

<u>Chairman</u>	<u>Secretary</u>	<u>Member</u>	<u>Member</u>	<u>Member</u>	<u>Member</u>	<u>Member</u>	<u>Alternate Member</u>
Leigh Strickman	Shawn Hutchinson	Jay Otlewski	Bill Louis	Nancy Golden	Jeff Nelson	Bryan Patterson	Mitchell Bolnick

Planning and Zoning Commission Meeting Notice & Agenda

Thursday, September 29, 2016
City Council Chamber
8401 West Monroe Street
Peoria, AZ 85345



Special Meeting 6:30 PM

Convene
Roll Call
Opening Statement
Final Call to Submit Speaker Request Forms

Consent Agenda

CONSENT AGENDA: All items listed on the Consent Agenda are considered to be routine or have been previously reviewed by the Commission, and will be enacted by one motion. There will be no separate discussion of these items unless a Commission member so requests; in which event the item will be removed from the General Order of Business, and considered in its normal sequence on the Agenda.

Consent

1 C Disposition of Absence

Discussion and possible action to approve the absence of Commissioners Bill Louis, Jay Otlewski and Alternate Member Mitchell Bolnick from the Planning and Zoning Commission meeting held on August 18, 2016.

2 C Minutes

Discussion and possible action to approve the minutes of the Planning and Zoning Commission meeting held on August 18, 2016.

3 C CU16-0019: Fry's Marketplace Wine Bar

Discussion and possible action regarding a request for a Conditional Use Permit

(CUP) to allow a wine bar utilizing a Series 7 Liquor License within a new Fry's Marketplace. The site is located north of the northeast corner of Lake Pleasant Parkway and Happy Valley Parkway within the Lake Pleasant Crossings Shopping Center.

4 C **CU16-0017: Auto Xtreme Service Expansion**

Discussion and possible action to consider a request for a Conditional Use Permit to allow an expansion of Auto Xtreme Auto Repair within an existing building located at 17561 N 91st Avenue.

5 C **CU16-0011: F & R Properties (Iron Key Studio)**

Discussion and possible action to consider a request for a Conditional Use Permit to allow a tattoo and body piercing studio within Iron Key Studio, an existing art gallery located at 9210 W. Peoria Avenue.

Regular Agenda

New Business

6 R **Zoning Ordinance Amendment: Medical/Animal Clinic parking requirements**

Discussion and possible action to consider a city-initiated request to Article 14-23 of the Peoria Zoning Ordinance updating the minimum parking standards for medical clinics, animal clinics and veterinarian hospitals.

Staff Report

Open Public Hearing

Public Comment

Close Public Hearing

Commission Action: Discussion and possible action on case TA16-0005

7 R **Saguaro Sky Medical Marijuana Dispensary**

Discussion and possible action to consider a request for a Conditional Use Permit to allow a medical marijuana dispensary use in a vacant in-line suite located at 9240 W. Northern Avenue, Suite 103A. The property is within the Peoria Crossings Planned Area Development (PAD).

Staff Report

Open Public Hearing

Public Comment

Close Public Hearing

Commission Action: Discussion and possible action on case CU16-0015

8 R **CU16-0009: Medical Marijuana Dispensary**

Discussion and possible action to consider a request for a Conditional Use Permit to allow the development and operation of a 2,000 square foot Medical Marijuana Dispensary, located at the southwest corner of 91st Avenue and Olive Avenue.

Staff Report

Open Public Hearing

Public Comment

Close Public Hearing

Commission Action: Discussion and possible action on CU16-0009

9 R **Election of Vice-Chair**

Discussion and possible action to elect Vice-Chair for the remainder of 2016.

Call To The Public (Non-Agenda Items)

Your comments pertaining to the Planning and Zoning Commission business are welcome. However, if you wish to address the Planning and Zoning Commission, please complete a Speaker Request Form and return it to the clerk before the call to order for this meeting. Boards and Commissions are not authorized by state law to discuss or take action on any issue raised by public comment until a later meeting.

Reports from Staff

Reports from Planning and Zoning Commission

Adjournment

NOTE: Documentation (if any) for items listed on the Agenda is available for public inspection, a minimum of 24 hours prior to the Board/Commission Meeting, at any time during regular business hours in the Office of the City Clerk, 8401 W. Monroe Street, Room 150, Peoria, AZ 85345.

Accommodations for Individuals with Disabilities. Alternative format materials, sign language interpretation and assistive listening devices are available upon 72 hours advance notice through the Office of the City Clerk, 8401 West Monroe Street, Peoria, Arizona 85345 - Phone: (623) 773-7340 or FAX (623) 773-7304. To the extent possible, additional reasonable accommodations will be made available within the time constraints of the request. The City has a TDD line where accommodations may be requested at: (623) 773-7221.

Public Notice

In addition to the Board/Commission members noted above, one or more members of the Peoria City Council or various other Boards and Commissions may be present to observe this meeting as noticed on this agenda.

Planning and zoning commission meetings can be viewed live on Channel 11 (Cox Cable) and are available for viewing on demand at <https://www.peoriaaz.gov/NewSecondary.aspx?id=2187>.



PLANNING AND ZONING COMMISSION REPORT

Meeting September 29, 2016

Date:

Agenda Item: 1C

Case Name: Disposition of Absence

Case

Number(s):

General Application Information

Recommendations:

Discussion and possible action to approve the absence of Commissioners Bill Louis, Jay Otlewski and Alternate Member Mitchell Bolnick from the Planning and Zoning Commission meeting held on August 18, 2016.



PLANNING AND ZONING COMMISSION REPORT

Meeting September 29, 2016

Date:

Agenda Item: 2C

Case Name: Minutes

Case

Number(s):

General Application Information

Recommendations:

Discussion and possible action to approve the minutes of the Planning and Zoning Commission meeting held on August 18, 2016.

ATTACHMENTS:

Description

PZ minutes 8-18-16

**PLANNING AND ZONING COMMISSION MINUTES
CITY OF PEORIA, ARIZONA
COUNCIL CHAMBER
AUGUST 18, 2016**

A Meeting of the Planning and Zoning Commission of the City of Peoria, Arizona, convened at 8401 W. Monroe Street, Peoria, AZ in open and public session at 6:30 p.m.

Members Present: Chair Leigh Strickman, Secretary Shawn Hutchinson, Commission Members Nancy Golden, Jeff Nelson and Bryan Patterson

Members Absent: Commissioners Bill Louis, Jay Otlewski and Alternate Member Mitchell Bolnick

Others Present: Chris Jacques – Planning Director, Cynthia Odom – Assistant City Attorney, Adam Pruett - Planning Manager, Aaron Frank – Senior Planner, Cody Gleason – Planner, Randy Proch – Planner, Jennifer Fostino - Planner and Della Ernest – Executive Assistant

Opening Statement: The Opening Statement was read by Chair Strickman.

Call for speaker request forms.

Audience: 6

Note: The order in which items appear in the minutes is not necessarily the order in which they were discussed in the meeting.

CONSENT AGENDA

All items listed with a “C” are considered to be routine by the Planning and Zoning Commission, and were enacted by one motion.

1C **Minutes**

Discussion and possible action to approve the minutes of the Planning and Zoning Commission meeting held on June 16, 2016.

2C **CU16-0008: Saguaro Motors**

Discussion and possible action to consider a request to allow increased used vehicles sales at Saguaro Motors, located at 9231 W. Grand Avenue. Limited used vehicle sales are presently permitted at this location, and this request, if approved, would increase the number of vehicles that may be displayed for sale at one time. The property is located within the General Commercial (C-4) zoning district.

3C **CU16-0010: Giordano's Restaurant Outdoor Dining**

Discussion and possible action to consider a request for a Conditional Use Permit to expand an existing outdoor dining patio at Giordano's Restaurant, located at 1622 N. 83rd Avenue. The area requested for expanded outdoor dining purposes is located on the western side of the building. The property is within a commercial Planned Area Development (PAD) and is located in the P83 district.

4C **CU16-0012: Palladium Reception Hall**

Discussion and possible action to consider a request for a Conditional Use Permit to allow a wedding / reception hall use at a former restaurant located at 9864 W. Peoria Avenue. The property is within the Intermediate Commercial (C-2) zoning district.

COMMISSION COMMENTS:

Commissioner Golden asked if parking was taken into consideration for item 4C.

Mr. Pruett confirmed a parking analysis was submitted and reviewed with the application.

COMMISSION ACTION: Secretary Hutchinson moved to approve the Consent Agenda. The motion was seconded by Commissioner Nelson and upon vote, passed unanimously.

REGULAR AGENDA

5R **TA16-0004: Legal Non-Conformity**

A public hearing was held to consider a city initiated text amendment to Article 14-26 of the City of Peoria Zoning Ordinance concerning legal non-conformity. Additionally, the proposal included supporting amendments to Articles 14-2 Definitions, 14-4 Establishment of Zoning Districts, 14-5 Single Family Residential District, 14-39 Administrative Procedures, and 14-41 Special Use Permits.

Staff report was presented by Ms. Jennifer Fostino, Planner

COMMISSION COMMENTS:

Commissioner Nelson asked why detached guest houses are permitted in R1-35 and R1-18 but not R1-43.

Ms. Fostino stated that these standards were not within the scope of the amendment to legal non-conformance.

Mr. Pruett stated additional text amendments would be forthcoming that would include Article 14-5-9

COMMISSION ACTION: Commissioner Nelson moved to approve TA16-0004. The motion was seconded by Secretary Hutchinson and upon vote, passed unanimously.

6R **TA15-0007: Lot Coverage**

A public hearing was held to consider a city initiated text amendment to Section 14-2-2.D of the City of Peoria Zoning Ordinance concerning lot coverage, including the definition and methodology for calculation. The amendment also addresses alternate roof structures relative to the calculation of lot coverage.

Staff report was presented by Mr. Cody Gleason, Planner

COMMISSION ACTION: Commissioner Nelson moved to approve TA15-0007. The motion was seconded by Secretary Hutchinson and upon vote, passed unanimously.

7R **CU16-0007: PHO Tierra Del Rio**

A public hearing was held to consider a request for a Conditional Use Permit (CUP) to allow the construction of a 50 foot tall monopole wireless communication facility. The facility will have an associated 447 square foot equipment enclosure at the base of the pole. The subject property is located on the existing EPCOR Water Facility site which is north of the Hatfield Road alignment on the east side of 107th Avenue. The site is currently zoned Planning Community District (PCD).

Staff report was presented by Mr. Cody Gleason, Planner

PUBLIC COMMENTS:

Mr. Rick Shaw; for the applicant, stated they wanted to be at another EPCOR location further north but did not have adequate ground space for the cell tower and ground equipment. Mr. Shaw also noted that Verizon would be doing away with onsite generators including the proposed site.

COMMISSION COMMENTS:

Commissioner Golden asked if there are three towers in the area.

Mr. Gleason stated he is aware of cell tower located at a church site on Pinnacle Peak but not a third tower in the area. Mr. Gleason also mentioned that part of staff review of wireless facilities is that the applicant evaluate the opportunity for co-location.

Commissioner Nelson asked if removing the onsite generators would make the sites quieter or mainly to provide a smaller footprint.

Mr. Shaw confirmed it is both.

Commissioner Patterson asked if the 50ft height is necessary for proper operation.

Mr. Shaw confirmed due to the location, the 50ft tower height is necessary.

COMMISSION ACTION: Secretary Hutchinson moved to approve CU16-0007. The motion was seconded by Commissioner Nelson and upon vote, passed unanimously.

REPORT FROM STAFF:

Mr. Pruett notified the Commission of the next meeting of the Planning & Zoning Commission on September 15th. There is no meeting on September 1st due to a lack of cases.

REPORTS FROM THE PLANNING AND ZONING COMMISSION:

None

ADJOURNMENT: There being no further business to come before the Planning and Zoning Commission, the meeting adjourned at 7:09 p.m.

Leigh Strickman, Chair

Submitted by Della Ernest

Date

Date



PLANNING AND ZONING COMMISSION REPORT

Meeting September 29, 2016

Date:

Agenda Item: 3C

Case Name: CU16-0019: Fry's Marketplace Wine Bar

Case CU16-0019

Number(s):

General Application Information

Proposal:

Obtain a Conditional Use Permit to allow a wine bar utilizing a Series 7 Liquor License within the Fry's Marketplace Grocery Store.

Location:

North of the northeast corner of Lake Pleasant Parkway and Happy Valley Parkway.

Project Acreage:

650 square feet (within store)

Applicant:

Sustainability Engineering Group

Project Description

Obtain a Conditional Use Permit (CUP) to allow a wine bar utilizing a Series 7 Liquor License within the Fry's Marketplace Grocery Store.

Key Items For Consideration:

Based on the following findings, City staff is recommending approval:

- The request is consistent with the City of Peoria Zoning Ordinance and compatible with the uses in the surrounding area;
- The proposal meets the Conditional Use Permit standards and complies with the use limitations for a Tavern, Bar, or Lounge;
- The use will be located and will operate in a manner that protects the adjacent properties and businesses from nuisances and is consistent with the retail/service character of the area;

- The use, in conjunction with the conditions of approval, will operate in a manner that will not negatively impact the adjoining uses; and, the applicant/owner has submitted a signed and notarized Proposition 207 waiver, which will be recorded with the conditions outlined below.

Recommendations:

Approve the applicant's request for a Conditional Use Permit under Case CU16-0019, subject to conditions.

ATTACHMENTS:

Description

CU16-0019 Staff Report

Exhibit A - Vicinity Map

Exhibit B - Zoning Map

Exhibit C - Narrative

Exhibit D - Site Plan

Exhibit E - Floor Plan

BACKGROUND

Context

The applicant, Sustainability Engineering Group on behalf of Smith's Food and Drug Centers, Inc. (Fry's Marketplace), is proposing an approximately six hundred fifty (650) square foot wine bar within the new Fry's Marketplace grocery store. The wine bar would operate under a Series 7 Liquor License. The Fry's Marketplace, which is currently under construction, is located at 25401 N. Lake Pleasant Parkway at the northeast corner of Lake Pleasant Parkway and Happy Valley Parkway. (Exhibit A)

General Plan

The subject property is designated Community Commercial on the General Plan Land Use Map. This designation promotes the development of large-scale retail buildings and shopping centers.

Zoning

The site is zoned Lake Pleasant Crossing Planned Area Development (PAD). This particular PAD contains specified use listings as principally permitted, conditionally permitted, and accessory permitted uses.

Adjacent Uses and Zoning

Table 1 summarizes the existing land use, General Plan designation and zoning for the surrounding areas.

Table 1 – Existing Land Use, General Plan, and Current Zoning

	EXISTING LAND USE	GENERAL PLAN	ZONING
Subject Property	Grocery Store (under construction)	Community Commercial	Planned Area Development (PAD)
North	Undeveloped Land then SFR	Low Density Residential	Suburban Ranch 43 (SR-43)
South	Commercial Shopping Center	Community Commercial	Planned Area Development (PAD) – Lake Pleasant Crossing Z03-12A.3
East	Undeveloped Land then SFR	Low Density Residential	Suburban Ranch 43 (SR-43)
West	Commercial Shopping Center	Community Commercial	Planned Area Development (PAD) – Lake Pleasant Crossing Z03-12A.3

Other Related Policies and Project History

A site plan was approved for the Fry's Marketplace that will house the proposed wine bar that is the subject of this Conditional Use Permit request on December 9, 2015 under case SP15-0017.

The latest amendment to the Lake Pleasant Crossings Planned Area Development (PAD) standards and guidelines report was completed on December 7, 2015. This amendment provided modifications to development standards within the PAD as well as a specific accessory use listing.

APPLICANT'S PROPOSAL

Goal/Purpose of Request

The applicant is requesting the approval of a Conditional Use Permit to operate a wine bar with a Series 7 Liquor License. The proposed wine bar would consist of approximately six hundred fifty (650) square feet within the one hundred twenty-three thousand (123,000) square-foot Fry's Marketplace Grocery Store (Exhibit E). The proposed hours of operation for the wine bar would be in accordance with state law regarding liquor sales and on-site consumption. The hours of operation for the wine bar would not extend beyond those for the overall grocery store.

Development Information

- | | |
|------------------|--|
| • Existing Use: | Grocery Store (under construction) |
| • Proposed Use | Series 7 Liquor License (Wine Bar) within the grocery store |
| • Property Size: | 650 square feet – for the Series 7 Liquor License inside the grocery store |
| | 123,000 square feet – for the overall grocery store |

DISCUSSION AND ANALYSIS

Applicability

The site is located within the Lake Pleasant Crossing Planned Area Development (PAD) (Z03-12A.3). The Lake Pleasant Crossing Planned Area Development identifies "Tavern, Bar, Lounge or establishment that sells alcoholic beverages for consumption on premises, excluding restaurants" as a conditionally permitted use. Article 14-2-2.D of the City of Peoria Zoning Ordinance defines "Tavern, Bar, Lounge" as an establishment containing a Series 6 or 7 Liquor License. As such, the subject site would require a conditional use permit in order to operate with a Series 7 Liquor License for the purpose of the proposed wine bar.

Section 14-39-12.E of the Zoning Ordinance outlines the applicable criteria for evaluating Conditional Use Permits. In general, the purpose of a CUP is to mitigate

and/or minimize any identified negative impacts on the surrounding neighborhood that may result from a specific use and provide controls to ensure compatibility between nearby land uses.

If any issues arise regarding the operation of the business, Section 14-39-12.I of the Zoning Ordinance provides the Planning Manager with continuing jurisdiction over all Conditional Use Permits. This means that a permit may be revoked, modified or suspended should any of the following occur:

- a. The permit was obtained by fraud or misrepresentation;
- b. The use authorized by the CUP has been exercised in violation of the conditions of approval;
- c. A change in circumstances where the following has occurred: [1] Impacts from the approved CUP to neighboring properties; and [2] Changes in aesthetic or environmental impacts such as noise, odors or pollution.
- d. The use authorized by the CUP is operated in a manner that constitutes a nuisance to neighboring property owners, adjacent neighborhoods, or the City; or is exercised in a manner that is detrimental to the public health, welfare or safety.

Section 14-9-5.B.4 identifies special limitations for a tavern, bar, or lounge uses as follows:

- a. The exterior building wall shall not be located within one-thousand (1000) feet of the property lines of a state designated Local Alcohol Reception Center.
- b. The exterior building walls of the use shall be located at least two-hundred (200) feet from a residentially zoned property.
- c. Through the Conditional Use Permit (CUP) process, the conditions considered for imposition by the Planning and Zoning Commission may include, but are not limited to, a restriction on operating hours, additional screening, relocation of any outdoor patio areas, live entertainment standards, noise and visual mitigation, and other measures appropriate to the relevant circumstances.

The use as proposed by the applicant meets the above referenced special limitations as identified within Section 14-9-5.B.4. In order to ensure future compliance with the two hundred (200) foot separation requirement from residentially zoned property a stipulation has been added within the staff recommended conditions of approval. That stipulation states that if the wine bar area is relocated within the grocery store, then it would not be permitted to be located within one hundred fifty (150) feet of the northern wall of the grocery store.

Compatibility With Surrounding Land Uses

The purpose of the conditional use permit requirement especially for establishments that are providing services such as liquor sales and on-site consumption is to ensure compatibility with the surrounding built and proposed environment. The proposed use would be located within the grocery store building that is currently under construction. The use would be entirely enclosed within the grocery store and would result in an innocuous use as it relates to the grocery store that will house the wine bar. If operated in accordance with the recommended conditions of approval the use would not disrupt other nearby uses within the existing shopping center either.

The grocery store provides an excess of approximately one hundred (100) parking spaces. Since the space occupied by the proposed use is located within the previously approved grocery store the net change in parking requirements is approximately 7. This increase of 7 required parking spaces still leaves an excess of approximately ninety-three (93) parking spaces compared to the required number of parking spaces.

To ensure that the use does not become a separate operation from the grocery store thereby increasing it's intensity, a condition of approval has been recommended by staff that the facility shall not provide a separate entrance that is specifically devoted to the proposed wine bar use.

COMMUNITY INVOLVEMENT

Outreach Requirements

The application was properly noticed pursuant to Section 14-39-6 of the Peoria Zoning Ordinance, which includes notification to all property owners within 600 feet of the site and registered HOA's within one (1) mile, posting a sign on the site, and placing an ad in the Peoria Times at least 15 days prior to the Public Hearing.

Support / Opposition

As of the date of this report no responses were received in support or opposition to the proposed use.

Proposition 207 Waiver

The voters of Arizona approved Proposition 207, which among other things requires municipalities to compensate property owners for actions which have the effect of diminishing the value of property. The City Attorney's Office has drafted an agreement which waives the applicant's rights to future Proposition 207 claims against the City. Accordingly, the applicant has furnished a signed and notarized Proposition 207 Waiver.

STAFF RECOMMENDATION

Based on the following findings:

1. The request is consistent with the City of Peoria Zoning Ordinance and compatible with the uses in the surrounding area;
2. The proposal meets the Conditional Use Permit standards and complies with the use limitations for a Tavern, Bar, or Lounge;
3. The use will be located and will operate in a manner that protects the adjacent properties and businesses from nuisances and is consistent with the retail/service character of the area;
4. The use, in conjunction with the conditions of approval, will operate in a manner that will not negatively impact the adjoining uses; and,
5. The applicant/owner has submitted a signed and notarized Proposition 207 waiver, which will be recorded with the conditions outlined below.

Staff recommends that the Planning and Zoning Commission take the following action:

Approve the applicant's request for a Conditional Use Permit under Case CU16-0019, subject to the following conditions:

1. The development and use shall substantially conform to the Project Narrative (Exhibit C), Floor Plan – as it relates to the size of the use (Exhibit E), and Site Plan (Exhibit D), as contained in the staff report to the Planning & Zoning Commission dated September 20, 2016.
2. If the use is relocated within the interior of the grocery store, the designated area for the wine bar must remain at least one hundred fifty (150) linear feet away from the north wall of the grocery store.
3. No exterior entrance shall be devoted to the sole purpose of access to wine bar.
4. The hours of operation shall be limited to the hours of operation for the overall grocery store and shall be in accordance with state law.
5. If the use expands or materially changes, an amendment to the CUP will be required.
6. In accordance with Section 14-39-12.B.5 of the Peoria Zoning Ordinance (1977 Edition), the Conditional Use Permit will expire on 3/20/17 if the use has not begun operating or a building permit has not been obtained.

REPORT PREPARED BY

Cody Gleason
Planner
623-773-7645
Cody.Gleason@peoriaaz.gov

ATTACHMENTS:

Exhibit A	Vicinity Map
Exhibit B	Zoning Map
Exhibit C	Project Narrative
Exhibit D	Site Plan
Exhibit E	Floor Plan

Vicinity Map



CU16-0019 Fry's Marketplace Wine Bar

Applicant: Sustainability Engineering Group

Request: A Conditional Use Permit to allow an approximately 650 square foot wine bar with a Series 7 Liquor License within the new Fry's Marketplace grocery store that is currently under construction.

Location: Northeast of the northeast corner of Lake Pleasant Parkway and Happy Valley Parkway.

Exhibit A



Not to Scale

Zoning Map



CU16-0019 Fry's Marketplace Wine Bar

Applicant: Sustainability Engineering Group

Request: A Conditional Use Permit to allow an approximately 650 square foot wine bar with a Series 7 Liquor License within the new Fry's Marketplace grocery store that is currently under construction.

Location: Northeast of the northeast corner of Lake Pleasant Parkway and Happy Valley Parkway.

Exhibit B



Not to Scale



July 29, 2016

City of Peoria
Planning and Zoning
9875 N. 85th Avenue
Peoria, AZ 85345

RE: Fry's Marketplace 657 - CUP Narrative for Series 7 Beer and Wine License

Fry's has previously applied to the State of Arizona for a series 9 Liquor License and a Series 7 Beer and Wine License. In accordance with the City of Peoria requirements, please accept this application for a Beer and Wine Use Permit Series 7 License (for consumption only) on behalf of Fry's Marketplace. The purpose of this license is to provide on sale alcohol sales for the grocery store. The 123,000 square foot store will be located at 25401 N. Lake Pleasant Pkwy. Hours of operation are 24 hours per day, 7 days a week, however, liquor products will only be sold during permitted hours allowed by state law.

Regarding the Series 7 on-sale license:

Fry's Marketplace proposes to serve beer and wine in a dedicated tasting area. This area is identified by #3 on the footprint/diagram. This area is also called out on the diagram by the red box surrounding the specified area. This is the only designated on-sale consumption area on this footprint. The area is clearly defined by fencing/signs indicating open alcohol is not to leave this area.

Regarding storage sales, etc.:

As is standard in the grocery industry, there is a specified storage area for alcohol identified as #2 on the footprint/diagram, however for loading, unloading and staging, the entire back room must be identified as potential liquor storage. This is also indicated by #2 on the diagram.

Similar to the storage issue, the sales area has a specific designation, however, as is standard in the grocery industry, the entire sales floor must be identified as potential sales. This is to accommodate end-caps, special items, sales and or promotions. This is identified by #1 on the diagram.

Thank you for your consideration.



Ali Fakhri, PE, LEED AP
Principal
Agent for Fry's Marketplace

MASTER SITE PLAN

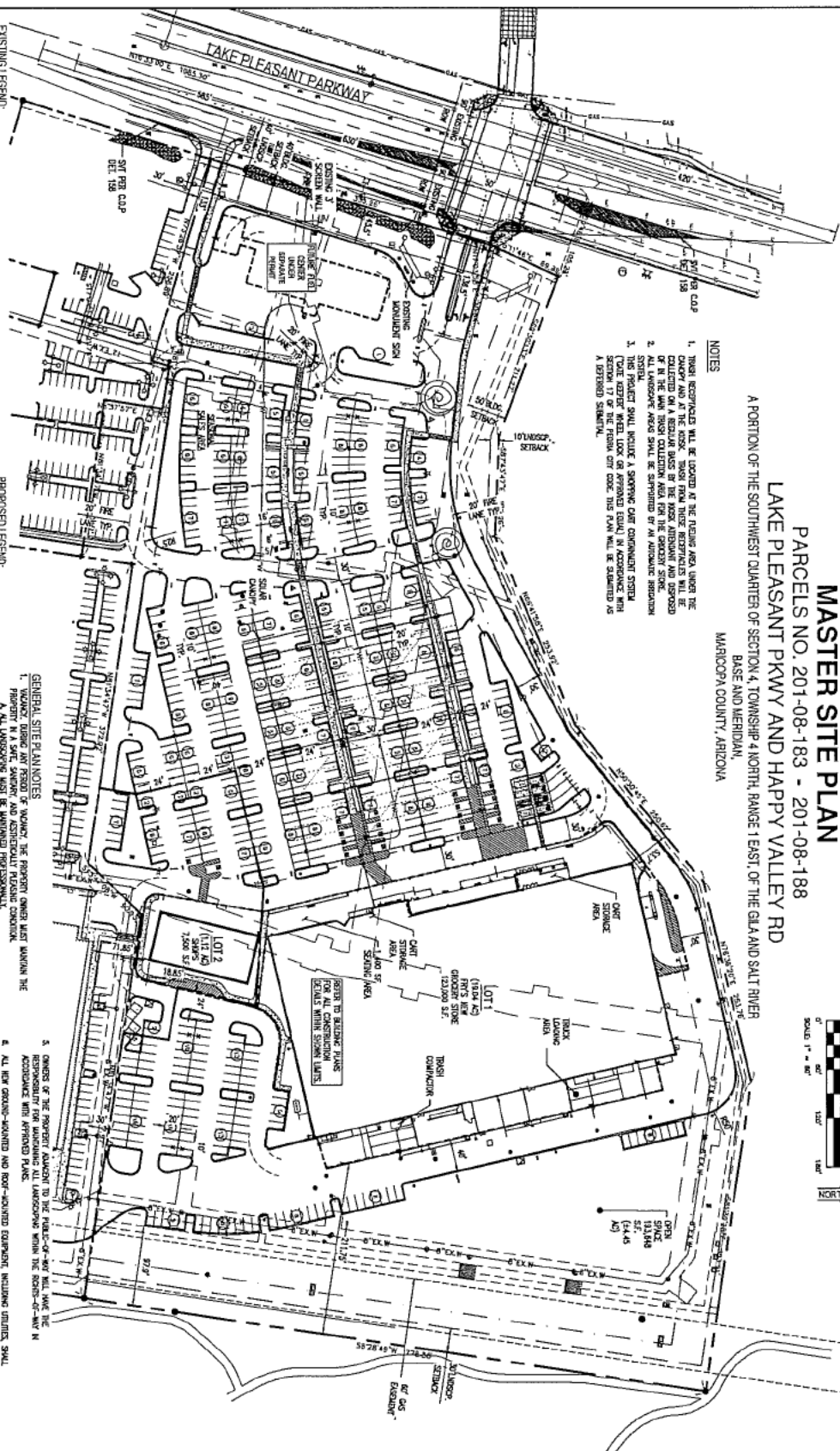
PARCELS NO. 201-08-183 - 201-08-188

LAKE PLEASANT PKWY AND HAPPY VALLEY RD

A PORTION OF THE SOUTHWEST QUARTER OF SECTION 4, TOWNSHIP 4 NORTH, RANGE 1 EAST, OF THE GILA AND SALT RIVERS
BASE AND MERIDIAN.

MARICOPA COUNTY, ARIZONA

1. THROUGH RECEIPTS/PAID WILL BE LOCATED AT THE FLEETING AREA UNDER THE COUNTER AND AT THE KISS. BUCK FROM THESE RECEIPTS WILL BE COLLECTED ON A REGULAR BASIS BY THE KISS, AIRBORNE AND DISPOSED OF IN THE MAIN TRASH COLLECTION AREA FOR THE GARDEN STREET.
2. AIRBORNE AND DISPOSED OF IN THE MAIN TRASH COLLECTION AREA FOR THE GARDEN STREET.
3. THE PRODUCT SHALL INCLUDE A SHOOTING OR CONSUMPTION SYSTEM (TUBE, EJECTOR, MAG, LOCK OR APPROVED EQUIV.) IN ACCORDANCE WITH SECTION 17 OF THE PENNA. CITY CODE. THIS PLAN WILL BE SUBMITTED AS A DEFERRED SUBMITTAL.



- | EXISTING ELEMENT | |
|------------------|-------------------------------|
| 1 | 1. ROUND END |
| 2 | 2. FLAT END |
| 3 | 3. FLUSH |
| 4 | 4. TYPICAL BRASS OR IN ANVILS |
| 5 | 5. FINISH AS WELDED |
| 6 | 6. USE THE WAGON |
| 7 | 7. SPIDER ELECTRODE |
| 8 | 8. TELEPHONE ANVIL |
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| 10 | 10. TELEPHONE CONNECTION |
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| 94 | 94. THE HEAVY |
| 95 | 95. THE HEAVY |
| 96 | 96. THE HEAVY |
| 97 | 97. THE HEAVY |
| 98 | 98. THE HEAVY |
| 99 | 99. THE HEAVY |
| 100 | 100. THE HEAVY |

- | | |
|--------------|------------------------|
| _____ | BONDARY LINE |
| _____ | ADJOINING BONDARY LINE |
| _____ | BOUNDARY LINE |
| _____ | CORNER MARKER |
| _____ | CONCRETE |
| _____ | U/G STORM SEWER LINE |
| _____ | U/G STORM SEWER LINE |
| _____ | U/G ELECTRIC LINE |
| _____ | U/G GAS LINE |
| _____ | U/G WATER LINE |
| _____ | U/G WATER LINE |
| _____ | CONCRETE |
| XXXXX | BY NYE |

- PROPOSED LEGEND:
- | | |
|-------|--------------------------|
| _____ | BUILDING CONTRACTOR NAME |
| _____ | PROPERTY LINE |
| _____ | DIM & CENTER |
| _____ | DESIGN SPURIAL |
| _____ | EXISTING MAJOR STRINGS |
| _____ | CONCRETE |
| • | CATCH BASIN |
| • | PILE HEAD/END |
| • | DRY WELL |
| • | SEWER MANHOLE |
| • | WELL |
| • | DRY TROUGH |
| • | WELL |
| • | PARKING LOT POLE |
| • | BOTTLE ROCK |
| • | SMN |
| • | STAKE/CLIP ACCESSIBILITY |
| • | DEGREE INTERFERITOR |
| • | UNDERGROUND |
| • | BRIDGE/POST RECEIPT/NO |

- [illegible]

6. ALL NEW GROUND-MOUNTED AND ROOF-MOUNTED EQUIPMENT, INCLUDING UNITS, SHALL BE SUBMITTED FOR PERM.
 7. KEY NOTES ARE TO BE INSTALLED ON ALL SITES OF A STRUCTURE WHERE THERE ARE ACCESS DOORS. THE KEY SET OF KEYS TO EACH SET MUST BE KEPT AND OUTSIDE THE STRUCTURE TO INCLUDE THE KEY TO OPEN SHALL BE PLACED NEXT TO THE KEY BOX. THE KEYS ARE TO BE LOCATED ON EITHER SIDE OF EACH ACCESS PROVIDED ONLY.
 8. THE OPERATOR ACCESS DOORS SHALL BE MAINTAINED AT ALL TIMES DURING CONSTRUCTION OF THIS PROJECT. THE MAINTAIN ACCESS SHALL COMPLY WITH SETTING SLOTTED AND SHALL BE OF THE REMOVABLE KEY CODE WITH ONE OF FOUR ALPHABETIC CHARACTERS.
 9. FOR SETTING SLOTTED SHALL PROVIDE A SIGN AT THE ENTRANCE TO THE PROPERTY DURING CONSTRUCTION. THE SIGN SHALL BE 6'x4'x1" WITH RED LETTERING ON A WHITE BACKGROUND STRIKE. THE ACCESS DOOR-16 (FOR ACCESS).
- 
- THE CITY OF
SAN ANTONIO
PLANNING
DEPARTMENT
118

Know what's below.
Collectors you dig.

[illegible]

The Kroger Co.
10251 East 51st Street, Suite A
Denver, CO 80239
Phone (303) 715-5517
Fax (303) 715-5955



Fry's Food Stores of Arizona
500 South 9th Avenue, Suite A
Tucson, AZ 85733
Phone (602) 907-1994
Fax (602) 907-1974



SEG

**SUSTAINABILITY
ENGINEERING
GROUP**

8280 E. GELDING DR #101, SCOTTSDALE, ARIZONA 85260
WWW.AZSEG.COM TEL: 480.588.7326

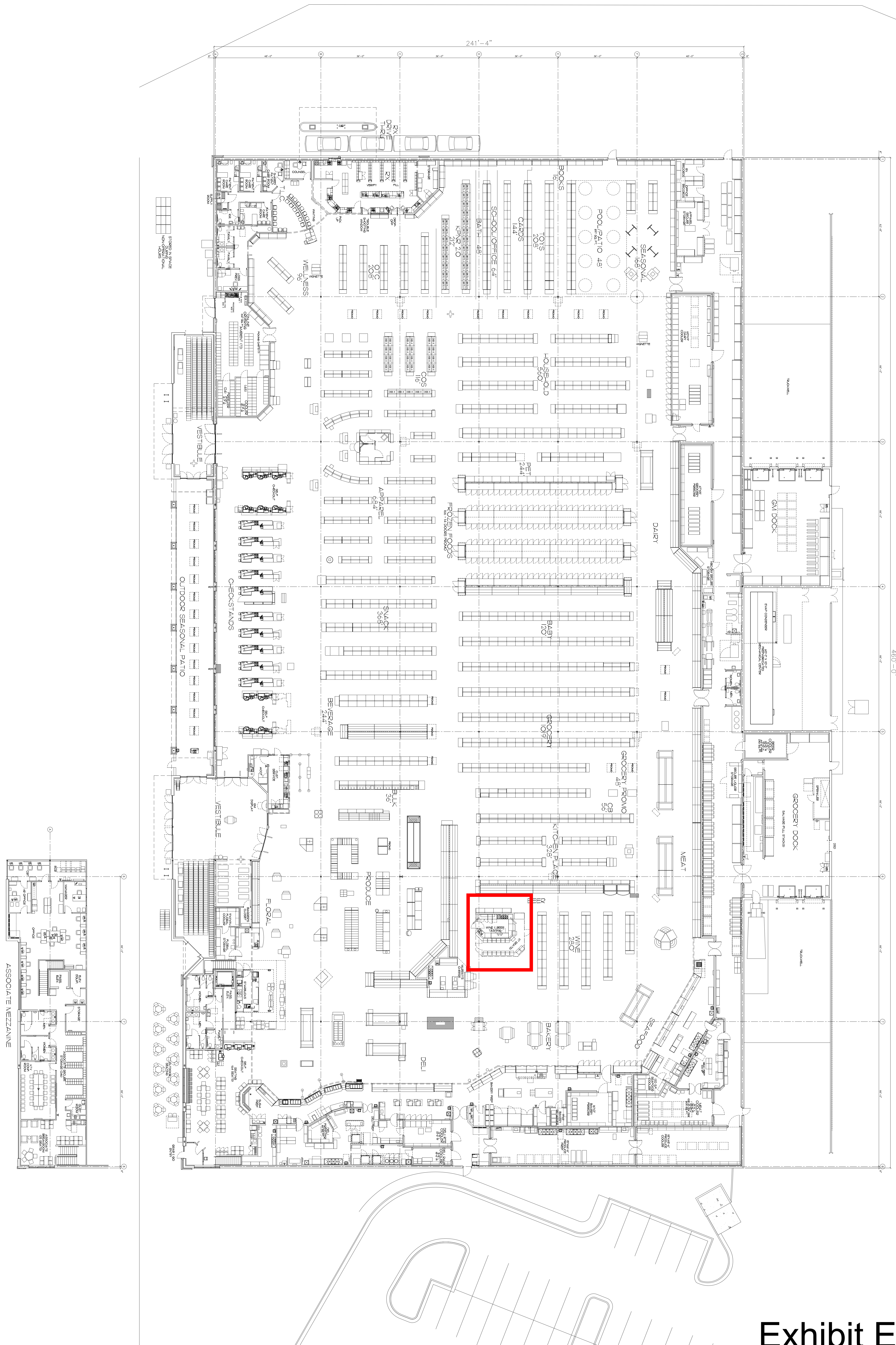


Exhibit E

ALL EQUIPMENT IS TO BE CONSIDERED UNLESS NOTED OTHERWISE. THE FULL EXTENT OF EXISTING, NEW, AND/OR RELOCATED EQUIPMENT SHALL BE CONSIDERED THE COMPLETE RESPONSIBILITY OF KROGER ENGINEER.

INFORMATION FOR THIS PLAN WAS TAKEN FROM ARCHITECTURAL PLANS DATED _____ AND KROGER PLANS DATED _____. ALL WORK MUST BE FIELD VERIFIED FOR ACTUAL CONDITIONS. CONTACT THE KROGER ENGINEER IF ANY DISCREPANCIES ARE FOUND.

NOTE:
THIS DRAWING IS INTENDED ONLY TO SHOW THE REQUIREMENTS OF THE KROGER CO. DESIGN OF THE BUILDING TO CONFORM TO ALL APPLICABLE LAWS, CODES, REGULATIONS, ORDINANCES AND APPROVAL OF THE INSPECTION AUTHORITIES HAVING JURISDICTION IS THE RESPONSIBILITY OF THE ARCHITECT EMPLOYED BY THE OWNER.

NEW STORE

FRY-657

LAKE PLEASANT + HAPPY VALLEY
PEORIA, AZ

[illegible]

BUILDING STATUS	5,318 SF
TOTAL SHELFING	89,142 SF
SALES AREA	72 SF
SALES AREA - BASE BUILDING	115,141 SF
BASE STORE	4,139 SF
MCCANNINE	5,280 SF
DOCK / UTILITY	
GROSS BUILDING	
124,560 SF	
REVISION	
FIXTURE PLAN	
OTHER PROVISIONS	
Not Applicable	
FRY-6557	
REVISION	
F1	



PLANNING AND ZONING COMMISSION REPORT

Meeting September 29, 2016

Date:

Agenda Item: 4C

Case Name: CU16-0017: Auto Xtreme Service Expansion

Case CU16-0017

Number(s):

General Application Information

Proposal:

A request for a Conditional Use Permit to allow an expansion of Auto Xtreme Auto Repair.

Location:

17561 N 91st Avenue.

Project Acreage:

Approximately 0.7 acres

Applicant:

Auto Xtreme Service LLC

Project Description

A request for a Conditional Use Permit to allow an expansion of Auto Xtreme Auto Repair within an existing building located at 17561 N 91st Avenue, at the intersection of 91st Avenue and Greenbrian Drive. No exterior modifications are proposed.

Key Items For Consideration:

- The proposal is appropriately scaled to be harmonious with the surrounding environment; and,
- The operating characteristics provide mitigation from a potentially intense land use; and
- The proposal will not result in any detrimental impacts to the surrounding neighborhood.

Recommendations:

Staff recommends that the Planning and Zoning Commission approve Case CU16-0017, subject to the condition in the staff report.

ATTACHMENTS:

Description

Staff Report

Exhibit A: Vicinity Map

Exhibit B: Zoning Map

Exhibit C: Floor Plan

BACKGROUND

Context

The subject property is located at 17561 91st Avenue, at the southeast corner of the intersection of 91st Avenue and Greenbrian Road (see Exhibit A).

General Plan

The subject property is designated on the General Plan Land Use Map as Regional Commercial.

Zoning

The site exists within the Peoria Autopark Planned Area Development (PAD) District. The Peoria Autopark PAD plans for predominantly commercial uses, including all uses permitted within the Intermediate Commercial (C-2) zoning district. An Automobile Diagnostic and/or Service Center is a permitted conditional use within the C-2 zoning district.

Adjacent Uses and Zoning

Adjacent land uses include Greenbrian Road and the Sonoran Academy school to the north; Brookdale Assisted Living Facility to the east; Kia Motors vehicle dealership to the south; and Travata residential community to the west. Table 1 summarizes the existing land use, general plan and zoning designations for the surrounding areas:

Table 1 – Existing Land Use, General Plan, and Current Zoning

	EXISTING LAND USE	GENERAL PLAN	ZONING
Subject Property	Auto Xtreme Auto Repair	Regional Commercial	Planned Area Development (PAD)
North	Greenbrian Road, Sonoran Science Academy school	Regional Commercial	Office Commercial District (O-1)
East	Brookdale Assisted Living Facility	Regional Commercial	Planned Area Development (PAD)
South	Kia Motors	Regional Commercial	Planned Area Development (PAD)
West	Travata residential community	Regional Commercial	Planned Area Development (PAD)

Other Related Policies and Project History

The subject property consists of approximately .7 acres located at the southeast corner of 91st Ave and Greenbrian Drive. The property was rezoned in 1993 as a part of the Peoria AutoPark Planned Area Development to allow predominantly auto-oriented land uses at the northeast corner of 91st Avenue and Bell Road.

A Conditional Use Permit was approved in 2006 to permit an Automobile Diagnostic

and/or Service Center at the subject location. Building permits were subsequently pursued to occupy approximately one-third of the structure, and use of the remaining space has not been pursued.

APPLICANT'S PROPOSAL

Goal/Purpose of Request

The applicant requests a conditional use permit to allow expansion of an existing Automobile Diagnostic and/or Service Center at 17561 91st Avenue. Auto Xtreme is a German automotive repair and service facility, and performs automotive services such as oil changes, engine analysis, brake service, and similar general automotive repairs and services. Auto Xtreme has operated within a portion of the building since 2006, when the initial Conditional Use Permit to allow an Automobile Diagnostic and/or Service Center was approved. The Conditional Use was pursued and commenced in a portion of the building; however, building permits were not pursued for the remaining two thirds of the building. In accordance with §14-39-12-B.4., a Conditional Use Permit shall expire if the use has not been exercised or a building permit is not obtained.

The building consists of an approximately 6,301 square feet, of which approximately 2,000 square feet is used for existing auto services and ancillary purposes. The applicant proposes to utilize the remaining portion of the building for auto services. The expansion does not consist of any exterior modifications to the site, and the applicant will be performing only interior renovations to provide necessary service bay improvements.

DISCUSSION AND ANALYSIS

Applicability

A Conditional Use Permit is required to allow Automobile Diagnostic and/or Service Centers within the Peoria Autopark Planned Area Development, and is subject to special limitations set forth in §14-9-5A. The special limitations, and description of compliance in italics is provided below:

- No outdoor displays or storage shall be permitted, except for merchandise normally sold from the premises that is displayed during normal business hours. No temporary parking of vehicles waiting for repair shall be permitted except in the garage or in C-4, C-5, PI-1, I-1, and I-2 zoning districts. The parking area shall be fully screened from public view.

Outdoor displays or storage shall not occur. Temporary parking of vehicles waiting for repair shall not occur. The area surrounding the service bays is screened by a block wall.

- All activities shall be performed within an enclosed building. High-speed washing, body repair, machining of auto parts, painting, vehicle or trailer rental shall be expressly prohibited.

All activities shall be performed within the enclosed building.

- Paved areas shall be reduced to the smallest area commensurate with efficient operation and function of the site. All unpaved areas shall be maintained in landscaping. All exterior design shall be compatible with surrounding developments.

The applicant will be making no modifications to the existing paved areas on site.

Compatibility With Surrounding Land Uses

The applicant will be expanding services within an existing building, and additional impact to adjacent properties is not anticipated. The eastern side of the building, adjacent to Brookdale Assisted Living Facility, is presently screened with a block wall approximately 6' in height.

No complaints have been submitted to City Code Enforcement in the time since Auto Xtreme has been operating at this location. Provided the operation exists in smaller scale harmoniously with surrounding uses and exterior improvements are not planned, staff believes the intensity of the proposed modification is appropriately scaled.

If any issues arise regarding the operation of the business, §14-39-12.I provides the Planning Manager with continuing jurisdiction over all Conditional Use Permits. This means that a permit may be revoked, modified or suspended should any of the following occur:

- a. The permit was obtained by fraud or misrepresentation;
- b. The use authorized by the CUP has been exercised in violation of the conditions of approval;
- c. A change in circumstances where the following has occurred: [1] Impacts from the approved CUP to neighboring properties; and [2] Changes in aesthetic or environmental impacts such as noise, odors or pollution.
- d. The use authorized by the CUP is operated in a manner that constitutes a nuisance to neighboring property owners, adjacent neighborhoods, or the City; or is exercised in a manner that is detrimental to the public health, welfare or safety.

COMMUNITY INVOLVEMENT

Outreach Requirements

The application was properly noticed pursuant to §14-39-6 of the Peoria Zoning Ordinance, which includes notification to all property owners within 600 feet of the site and registered HOA's within 1 mile, posting a sign on the site, and placing an ad in the Peoria Times; all done at least 15 days prior to the Public Hearing.

Support / Opposition

At the time of this writing, Staff has not received any support or opposition to the proposal.

Proposition 207 Waiver

The voters of Arizona approved Proposition 207, which among other things requires municipalities to compensate property owners for actions which have the effect of diminishing the value of property. The City Attorney's Office has drafted an agreement which waives the applicant's rights to future Proposition 207 claims against the City. Accordingly, the applicant has furnished a signed and notarized Proposition 207 Waiver.

STAFF RECOMMENDATION

Based on the following findings:

- The proposal is appropriately scaled to be harmonious with the surrounding environment; and,
- The proposal will not result in any detrimental impacts to the surrounding neighborhood.

Staff recommends that the Planning and Zoning Commission take the following action:

Approve the applicant's request for a Conditional Use Permit under Case CU16-0017 subject to the following conditions:

1. The use shall substantially conform to the conceptual floor plan as contained in the staff report to the Planning and Zoning Commission dated September 29, 2016.

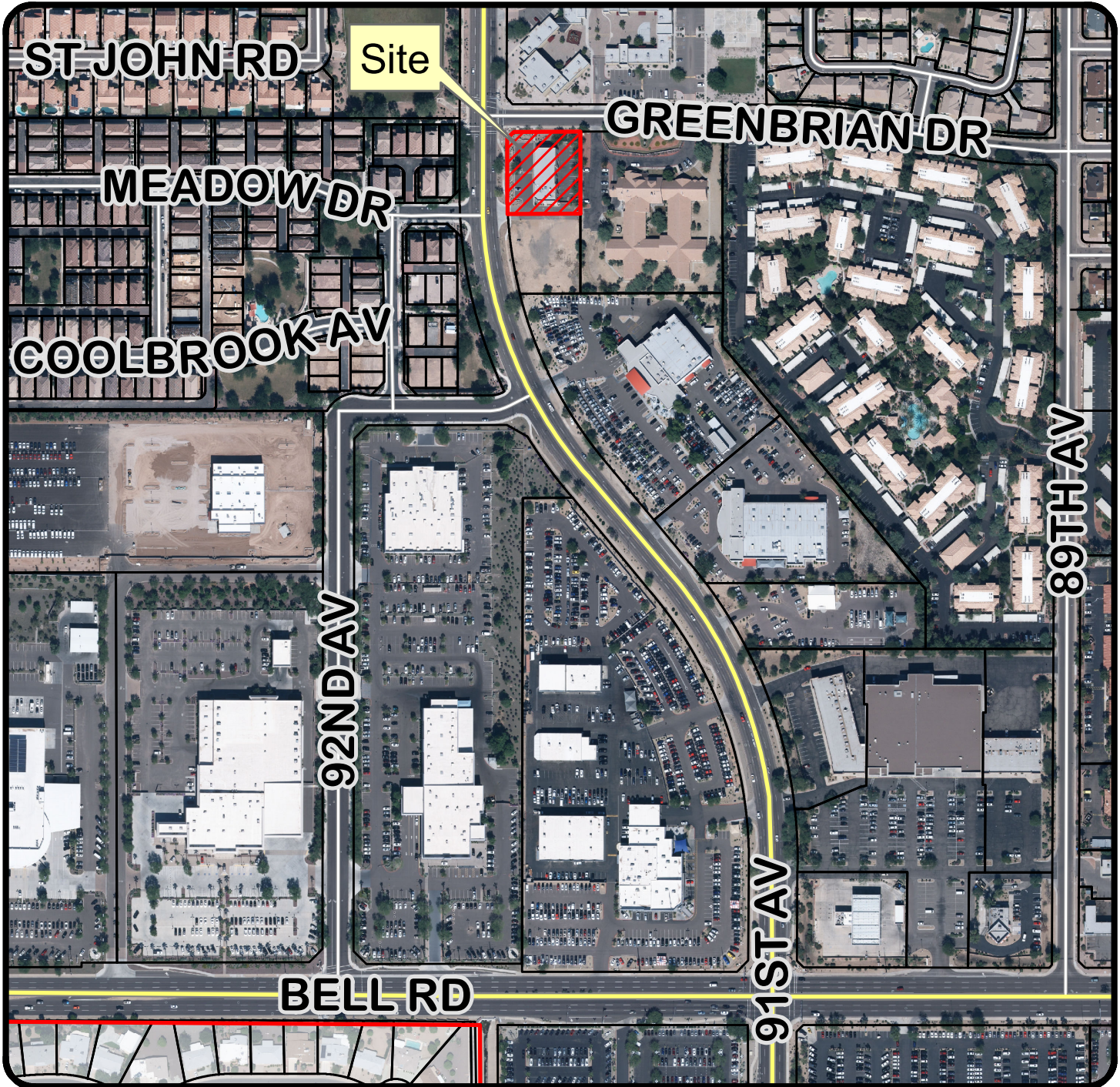
REPORT PREPARED BY

Aaron Frank, AICP, LEED Green Associate
Senior Planner
632-773-7128
Aaron.frank@peoriaaz.gov

ATTACHMENTS:

Exhibit A: Vicinity Map
Exhibit B: Zoning Map
Exhibit C: Existing Floor Plan

Vicinity Map



CU16-0017 "Auto Xtreme"

Applicant: Auto Xtreme

Request: The applicant is requesting a Conditional Use Permit to allow an expansion of an Auto Diagnostic and/or Service Facility into an existing building at 17561 N. 91st Avenue.

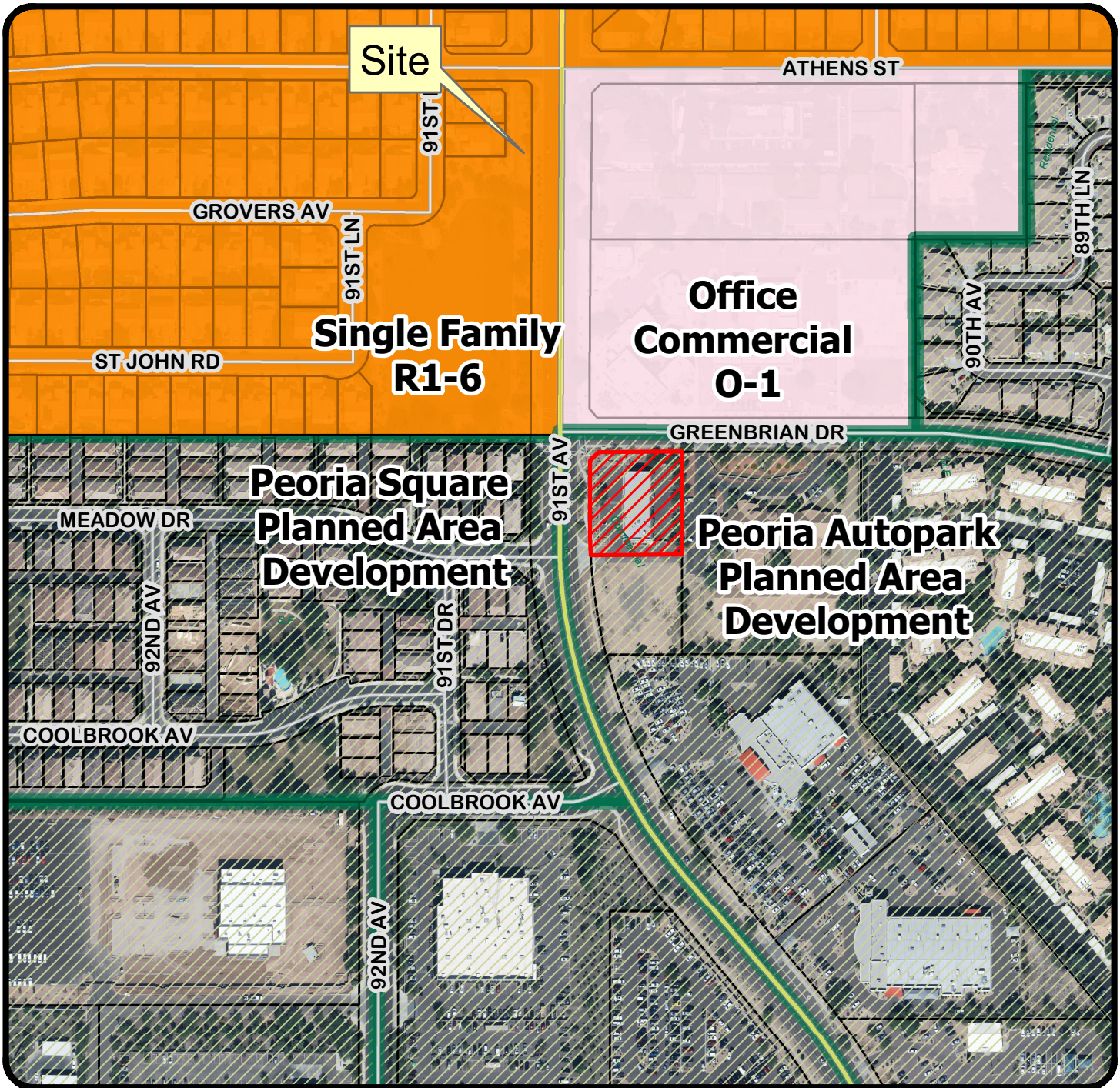
Location: The southeast corner of 91st Avenue and Greenbrian Drive

Exhibit A



Not to Scale

Zoning Map



CU16-0017 "Auto Xtreme"

Applicant: Auto Xtreme

Request: The applicant is requesting a Conditional Use Permit to allow an expansion of an Auto Diagnostic and/or Service Facility into an existing building at 17561 N. 91st. Avenue.

Location: The southeast corner of 91st Avenue and Greenbrian Drive

Exhibit B



Not to Scale

david l. schmitt
architect
8147 East Evans Road, Suite #5, Scottsdale, Arizona 85260
480-348-5818

OWNER: BIG FEAT VENTURES, L.L.C.
12857 W. DESERT MIRAGE DRIVE
PEORIA, ARIZONA 85385
CONTACT: JENNIFER WOOLLEY (602) 510-5554

OCCUPANT LOADS: REPAIR GARAGE: 5,327 S.F./200 = 27
OFFICE: 274 S.F./100 = 3
WAITING: 162 S.F./15 = 11
MEZZANINE: 538 S.F./300 = 2
TOTAL : 43 OCCUPANTS

LOCATION: S.E.C. 91ST AVENUE AND GREENBRIAN DRIVE
PARCEL NUMBER: 200-42-0072

ZONING: P.A.D. (C-2) C.U.P.: CU 06-07

BUILDING AREA: SHELL GROUND FLOOR: 3,830 S.F.
T.I. GROUND FLOOR: 1,933 S.F.
T.I. MEZZANINE: 538 S.F.
TOTAL : 6,301 S.F.

OCCUPANCY GROUP: MIXED: B (OFFICE) & S-1 (REPAIR GARAGE)

CONSTRUCTION TYPE: V-B (AUTOMATIC FIRE SPRINKLERS)

EXITS REQUIRED: ONE
EXITS PROVIDED: SEVEN

CITY OF PEORIA ADOPTED CODES:

2012 INTERNATIONAL BUILDING CODES
2012 ENERGY CONSERVATION CODE
2012 FIRE CODE
2012 MECHANICAL CODE
2012 PLUMBING CODE
2011 NATIONAL ELECTRICAL CODE
*ALL CODES WITH CITY OF PEORIA AMENDMENTS
AMERICANS WITH DISABILITIES ACT ACCESSIBLE GUIDELINES (ADAAG)
(EFFECTIVE DATE: JANUARY 26, 1992 WITH UPDATES TO 1998)

ARCHITECTURAL:

A-1 FLOOR PLAN AND PROJECT DATA

ELECTRICAL

E1.0 ELECTRICAL POWER PLAN

E2.0 ONE LINE DIAGRAM, PANEL SCHEDULE AND LEGEND

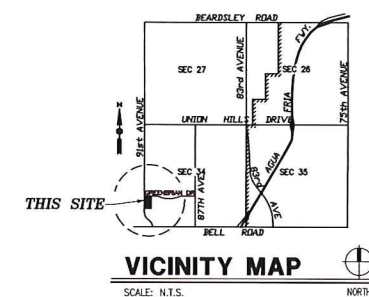
MECHANICAL:

M1.0 MECHANICAL SCHEDULES, NOTES AND LEGEND



SCALE: $1/8" = 1'-0"$

A horizontal scale bar with tick marks at 0, 5, 10, and 20 feet. The bar is divided into four equal segments, each representing 5 feet. The text '0', '5', '10', and '20 FEET' is placed below the corresponding tick marks.



AUTO EXTREME SERVICE
SERVICE BAY IMPROVEMENTS
17561 N. 91 ST. STREET PEORIA , ARIZONA

DRAWN		
DLS		
CHECKED		
DLS		
DATE ISSUED		
5-25-2016		
REVISIONS		
NO.	DATE	BY
FILE NAME		
JOB NO.		
21608		
SHEET		
A-1		
OF	SHEETS	



PLANNING AND ZONING COMMISSION REPORT

Meeting September 29, 2016

Date:

Agenda Item: 5C

Case Name: CU16-0011: F & R Properties (Iron Key Studio)

Case CU16-0011
Number(s):

General Application Information

Proposal:

A request for a Conditional Use Permit to allow a tattoo and body piercing studio in Iron Key Studio, an existing art gallery located at 9210 W. Peoria Avenue. No exterior modifications are proposed.

Location:

9210 W. Peoria Avenue

Project Acreage:

1.14 acres

Applicant:

John Rastegar

Project Description

A request for a Conditional Use Permit to allow a tattoo and body piercing studio in Iron Key Studio, an existing art gallery located in a shopping center at 9210 W. Peoria Avenue. No exterior modifications are proposed.

Key Items For Consideration:

- The proposal is appropriately scaled to be harmonious with the surrounding environment; and,
- The operating characteristics provide mitigation from a potentially intense land use; and
- The proposal will not result in any detrimental impacts to the surrounding neighborhood.

Recommendations:

Staff recommends approval of CU16-0011 subject to the conditions in the staff report.

ATTACHMENTS:

Description

Staff Report

Exhibit A: Vicinity Map

Exhibit B: Zoning Map

Exhibit C: Iron Key Suite Location

Exhibit D: Narrative

BACKGROUND

Context

The subject property is located at 9210 W. Peoria Avenue, west of the northwest corner of 91st Avenue and Peoria Avenue (see Exhibit A).

General Plan

The subject property is designated on the General Plan Land Use Map as Regional Commercial.

Zoning

The site exists within the Intermediate Commercial (C-2) zoning district. A Tattoo & Body Piercing Studio is a permitted conditional use in the C-2 zoning district.

Adjacent Uses and Zoning

Adjacent land uses include a vehicle storage lot and El San Juan mobile home community to the north; vacant commercial property and Dunn-Edwards Paints to the east; Peoria Avenue and Pueblo Plaza shopping center to the south; and Brakemasters auto repair and Loop 101 to the west. Table 1 summarizes the existing land use, general plan and zoning designations for the surrounding areas:

Table 1 – Existing Land Use, General Plan, and Current Zoning

	EXISTING LAND USE	GENERAL PLAN	ZONING
Subject Property	Commercial Center including Holsum Bakery Outlet, Generation Life Church, and Iron Key Studio	Regional Commercial	Intermediate Commercial (C-2)
North	Vehicle storage, El San Juan mobile home community	Regional Commercial	Intermediate Commercial District (C-2)
East	Vacant commercial property, Dunn-Edwards Paints	Regional Commercial	Intermediate Commercial District (C-2)
South	Peoria Avenue, Pueblo Plaza commercial center	Community Commercial	Intermediate Commercial District (C-2)
West	Brakemasters auto repair, Loop 101	Regional Commercial	Intermediate Commercial District (C-2)

Other Related Policies and Project History

The subject property consists of approximately 1.14 acres located near the intersection of 91st Avenue and Peoria Avenue at 9210 W. Peoria Avenue. The property was developed with an approximately 11,226 square foot building in the early 1970s, and various commercial tenants have occupied the multi-tenant building in the following years. The building is presently occupied by Generation Life Church, Holsum Bakery, and Iron Key Studio.

APPLICANT'S PROPOSAL

Goal/Purpose of Request

The applicant is proposing to add a tattoo and body art studio within an existing art gallery at 9210 W. Peoria Avenue. The art gallery exists within suites 3 & 5 on the second floor of the multi-tenant building and consists of approximately 1,400 square feet. No exterior modifications are proposed.

DISCUSSION AND ANALYSIS

Applicability

A Conditional Use Permit is required to allow a tattoo and body art studio in the Intermediate Commercial (C-2) zoning district and is subject to special limitations set forth in §14-9-5-K. The special limitations, and description of compliance in italics is provided below:

- a. All vehicular access shall be from arterial streets.

Access is from Peoria Avenue, an arterial roadway.

- b. The uses shall not be located on a lot with a property line within one thousand (1,000) feet measured in a straight line in any direction of the lot line of a Body Piercing Studio, Non Chartered Financial Institution, Pawnshop, Retail Liquor Store, Plasma Center and Tattoo Studio, Adult Use, Correctional Facility or State Local Alcohol Reception Center.

The applicant submitted a buffer study listing businesses within 1,000 feet of the proposed use. Staff has affirmed the finding that none of the restricted uses is located within 1,000 feet of the proposed use.

- c. For purposes of calculating the locational requirements of this subsection, the distance shall include those areas of Maricopa County surrounded by the City of Peoria and some other city on three or more sides. The locational requirements shall also apply to the uses regardless of whether their distance from such other use includes area within Maricopa County or some other incorporated city and regardless of whether the other use is located Maricopa County or some other incorporated city.

The buffer study is compliant.

Compatibility With Surrounding Land Uses

Tattoo and Body Art Studios generate a higher parking demand than the existing land use, an art gallery, and a parking analysis has been provided to assess parking availability for all tenants following the change of land use. With Iron Key Studio classified as a Tattoo and Body Art Studio, the site will have a surplus of 15 parking spaces. Impacts to adjacent properties are not anticipated, as the applicant will be

expanding services within an existing building and no exterior modifications are proposed.

If any issues arise regarding the operation of the business, §14-39-12.I provides the Planning Manager with continuing jurisdiction over all Conditional Use Permits. This means that a permit may be revoked, modified or suspended should any of the following occur:

- a. The permit was obtained by fraud or misrepresentation;
- b. The use authorized by the CUP has been exercised in violation of the conditions of approval;
- c. A change in circumstances where the following has occurred: [1] Impacts from the approved CUP to neighboring properties; and [2] Changes in aesthetic or environmental impacts such as noise, odors or pollution.
- d. The use authorized by the CUP is operated in a manner that constitutes a nuisance to neighboring property owners, adjacent neighborhoods, or the City; or is exercised in a manner that is detrimental to the public health, welfare or safety.

COMMUNITY INVOLVEMENT

Outreach Requirements

The application was properly noticed pursuant to §14-39-6 of the Peoria Zoning Ordinance, which includes notification to all property owners within 600 feet of the site and registered HOA's within 1 mile, posting a sign on the site, and placing an ad in the Peoria Times; all done at least 15 days prior to the Public Hearing.

Support / Opposition

At the time of this writing, Staff has not received any support or opposition to the proposal.

Proposition 207 Waiver

The voters of Arizona approved Proposition 207, which among other things requires municipalities to compensate property owners for actions which have the effect of diminishing the value of property. The City Attorney's Office has drafted an agreement which waives the applicant's rights to future Proposition 207 claims against the City. Accordingly, the applicant has furnished a signed and notarized Proposition 207 Waiver.

STAFF RECOMMENDATION

Based on the following findings:

- The proposal meets the locational and developmental standards provisions, as applicable for the Conditional Use Permit, for the zoning district in which the property is located; and,
- The proposal is appropriately scaled to be harmonious with the surrounding environment; and,
- The proposal will not result in any detrimental impacts to the surrounding neighborhood.

Staff recommends that the Planning and Zoning Commission take the following action:

Approve the applicant's request for a Conditional Use Permit under Case CU16-0011 subject to the following conditions:

1. The use shall substantially conform to the narrative as contained in the staff report to the Planning and Zoning Commission dated September 29, 2016.

REPORT PREPARED BY

Aaron Frank, AICP, LEED Green Associate
Senior Planner
632-773-7128
Aaron.frank@peoriaaz.gov

ATTACHMENTS:

Exhibit A: Vicinity Map
Exhibit B: Zoning Map
Exhibit C: Suite Identification
Exhibit D: Narrative

Vicinity Map



CU16-0011 "Iron Key Studio"

Applicant: F & R Properties

Request: The applicant is requesting a Conditional Use Permit to allow a tattoo and body piercing studio at Iron Key Studio, an existing Art Gallery located at 9210 W. Peoria. Avenue.

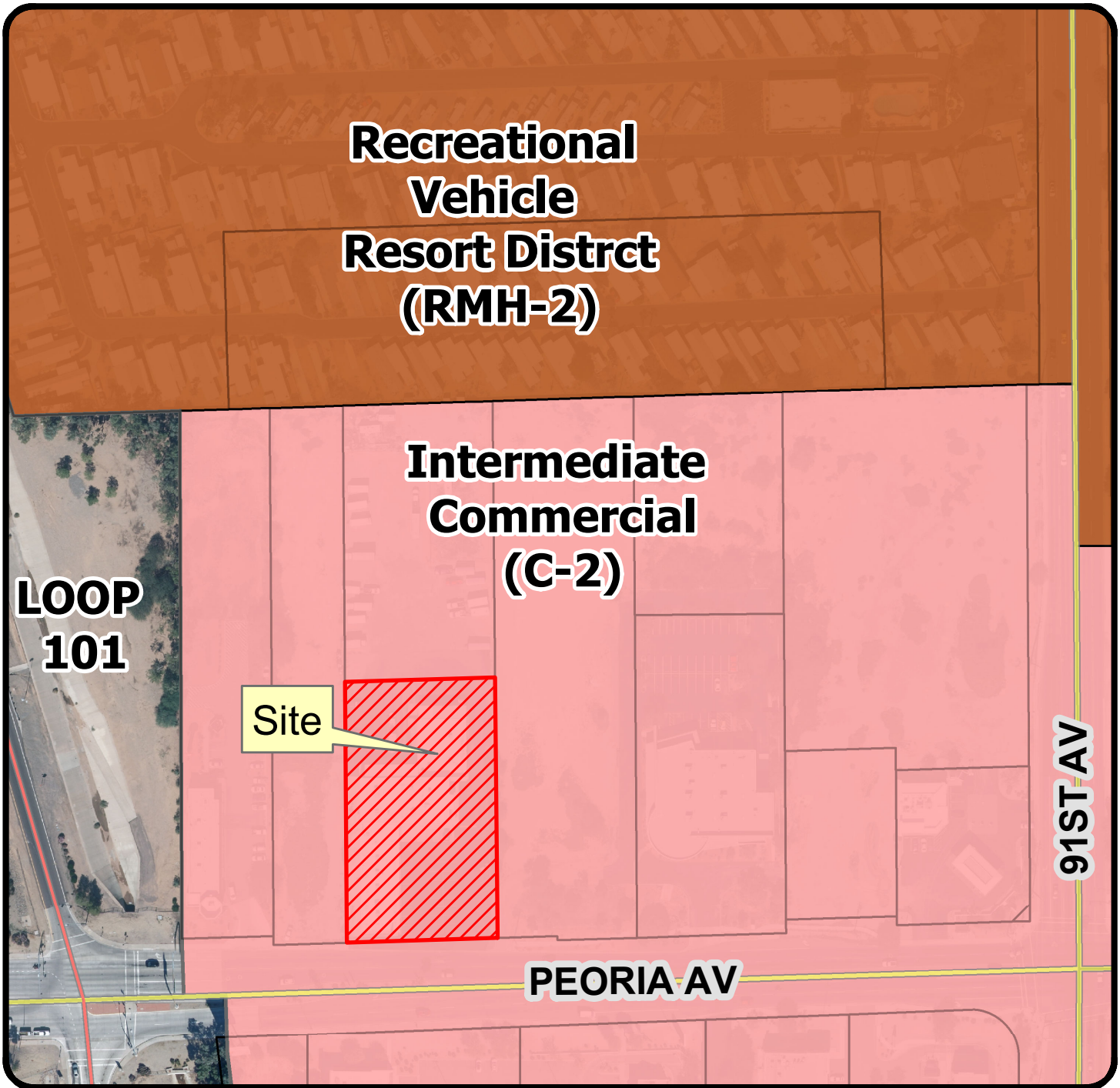
Location: The west of the intersection of 91st Avenue and Peoria Avenue.

Exhibit A



Not to Scale

Zoning Map



CU16-0011 "Iron Key Studio"

Applicant: F & R Properties

Request: The applicant is requesting a Conditional Use Permit to allow a tattoo and body piercing studio at Iron Key Studio, an existing Art Gallery located at 9210 W. Peoria. Avenue.

Location: The west of the intersection of 91st Avenue and Peoria Avenue.

Exhibit B



Not to Scale

Iron Key Suite Location



CU16-0011 "Iron Key Studio"

Applicant: F & R Properties

Request: The applicant is requesting a Conditional Use Permit to allow a tattoo and body piercing studio at Iron Key Studio, an existing Art Gallery located at 9210 W. Peoria. Avenue.

Location: The west of the intersection of 91st Avenue and Peoria Avenue.

Exhibit C



Not to Scale

**Project Narrative
For
Conditional Use Permit
At
9210 West Peoria Avenue
Suites 3 & 5
Peoria, Arizona**

The project site is an existing building in a C-2 Zoning area in Peoria, Arizona. The building has been on the project site for many years. The Conditional Use Permit applies to Suites 3 & 5 of 9210 West Peoria Avenue. Currently the use is as an Art Gallery called Iron Key Studio. The specific request is to add a tattoo and body piercing studio, and art classroom areas. The Studio will be entirely located on the second floor level of the building. Since the building is an existing structure, all water, sanitary sewer, electric and telephone utilities to the site are existing. Adequate parking is provided in front of the building as is ingress and egress driveways onto Peoria Avenue. Existing drainage will not be modified in anyway.

No modification to the exterior of the building is proposed. All remodeling will be interior only. No phasing is contemplated at this time. There are no physical features or environmental considerations impacting the proposed site location or use.

As seen in the attachments, the proposed studio is very compatible with the surrounding area and neighboring uses in this commercial area. The proposed use is in conformance with the Peoria General Plan for this area. The uses along Peoria Avenue, and 91st Avenues are predominantly commercial, consistent with the intentional uses for C-2 Zoning.



PLANNING AND ZONING COMMISSION REPORT

Meeting September 29, 2016

Date:

Agenda Item: 6R

Case Name: Zoning Ordinance Amendment: Medical/Animal Clinic parking requirements

Case TA16-0005
Number(s):

General Application Information

Proposal:

Consideration of a city-initiated amendment to Article 14-23 ("Parking & Loading Requirements") of the Peoria Zoning Ordinance updating the minimum parking requirements for medical clinics, animal clinics and veterinarian hospitals.

Location:

Citywide

Project Acreage:

n/a

Applicant:

City of Peoria

Project Description

City-initiated amendment to Article 14-23 ("Parking & Loading Requirements") of the Peoria Zoning Ordinance updating minimum parking requirements for medical clinics, animal clinics and veterinarian hospitals. The current standards attributed to these use types are excessive and out of alignment with industry standards.

Recommendations:

Recommend approval of Case TA16-0005 to the Peoria City Council.

ATTACHMENTS:

Description

Staff Report

Exhibit A

BACKGROUND

Context

The Zoning Ordinance was initially adopted by the City in 1977. Over the years, a number of amendments have been adopted to address new development trends, respond to legislative mandates and/or Council directives and maintain a current and relevant regulatory document. Amendments to the Zoning Ordinance are typically initiated by the City but may also be initiated by private parties.

This is a city-initiated amendment to Article 14-23 (“Parking & Loading Requirements”) of the Zoning Ordinance pertaining to the minimum parking requirements for *Health Clinics* and *Veterinarian Hospitals or Clinics*. This article largely identifies minimum parking requirements based on use type. Accordingly, staff has found that the requirements for the uses specified above are out of alignment with industry standards and result in excessive parking and/or limitations on development. This finding was confirmed through a review of local ordinances, industry requirements and professional sources such as the Institute of Transportation Engineers (ITE) and the Urban Land Institute (ULI).

Previous Text Amendment

The last substantive update to Article 14-23 (“Parking and Loading Requirements”) occurred over a decade ago in 2004 (Case TA 04-09). Several use requirements were modified including health clinics and veterinarian hospital and clinics. Health Clinics were modified from one (1) parking space per 200 square feet of floor area, to the current standard of one (1) parking space per 150 square feet of floor area. Veterinarian hospitals or clinics were modified from one (1) parking space per 400 square feet of floor area, to the current standard of one (1) parking space per 150 square feet of floor area.

PROPOSED AMENDMENT

Goal/Purpose of Request

The purpose of the requested Zoning Ordinance Text Amendment would be to update the minimum parking requirement for *Health Clinics* and *Veterinarian Hospitals or Clinics*. The existing standard is out of alignment with industry and professional practices and has resulted in excessive requirements thereby impacting the appropriate re-tenanting of space and/or development or redevelopment of property.

DISCUSSION AND ANALYSIS

Zoning Ordinance Text Change

The Lot Coverage definition within 14-23-3.B.2 currently lists Health Clinics and Veterinarian Hospitals or Clinics with the following standards:

MEDICAL

Health Clinics	Facilities providing medical, dental, optical care or preventative medicine and clinical research studies in a clinic or laboratory, including accessory offices	a) One (1) space per one hundred fifty (150) s.f. of floor area (Ord. No. 04-198)
Veterinarian Hospitals or Clinics	Establishments for medical, surgical, and emergency care of animal, to include veterinary office and clinics without animal boarding	a) One (1) space per one hundred fifty (150) s.f. of floor area (Ord. No. 04-198)

Survey of Valley Standards

Table 1 summarizes the parking standards for Medical Clinics and for Veterinarian Hospitals or Clinics for nine valley cities, including a tabulated average for each.

Table 1 – Valley Parking Standards

Medical Clinics	Parking Ratio	Veterinarian Hospitals or Clinics	Parking Ratio
Avondale	1:200	Avondale	1:200
Buckeye	1:350	Buckeye	1:600
Chandler	1:150	Chandler	1:150
Gilbert	1:150	Gilbert	1:275
Goodyear	1:150	Goodyear	1:150
Mesa	1:200	Mesa	1:200
Phoenix	1:200	Phoenix	1:200
Scottsdale	1:250	Scottsdale	1:300
Tempe	1:150	Tempe	1:150
Valley Average	1:200	Valley Average	1:247

The proposed standard for Veterinarian Hospitals or Clinics of 1:250 square feet of floor area (4.0 per 1,000 s.f.) is in alignment with valley city standards. Additionally, staff consulted other professional sources such as the ITE Parking Generation (4th Edition) and ULI Shared Parking (2nd Edition) which identified a parking standard for medical/dental office as 4.27 per 1,000 s.f. and 4.5 per 1,000 s.f. respectively. The proposed standard of 1:200 square feet of floor area (5.0 per 1,000 s.f.) is conservative and in alignment with these standards.

Zoning Findings

The proposed amendment provides an improvement to the Zoning Ordinance by updating the outdated parking requirements for these two clinic uses.

Outreach Requirements

The application was properly noticed pursuant to Section 14-39-6 of the Peoria Zoning Ordinance, which includes placing an ad in the Peoria Times at least 15 days prior to the Public Hearing.

STAFF RECOMMENDATION

Staff recommends that the Planning and Zoning Commission make the following recommendations to City Council:

- 1) Approval of case TA16-0005 to the City Council, amending Section 14-23-3.B.2. of the City of Peoria Zoning Ordinance as identified in Exhibit A.

REPORT PREPARED BY

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EXHIBITS

Exhibit A – Proposed changes to Article 14-23-3.B.2.
(deletions/additions shown as ~~strike~~/underscore)

ARTICLE 14-23

PARKING & LOADING REQUIREMENTS

(Ord. No. 02-67, 2011-25, 2013-16, 2016-XX)

CONTENTS

- 14-23-1 INTENT
- 14-23-2 PLANS REQUIRED
- 14-23-3 PARKING REQUIREMENTS
- 14-23-4 OFF STREET LOADING REQUIREMENTS

14-23-3 PARKING REQUIREMENTS

Off-street parking spaces shall be provided according to the following provisions and standards.

B. Off-Street Parking Requirements

The following minimum number of off-street, paved parking spaces shall be provided and maintained by ownership, easement and/or lease for and during the life of the respective uses hereinafter set forth: Any proposed uses not listed herein will be determined through the site plan approval process.

2. *Non-Residential Uses*

USE	DESCRIPTIONS	PARKING RATIO
MEDICAL		
Health Clinics	Facilities providing medical, dental, optical care or preventative medicine and clinical research studies in a clinic or laboratory, including accessory offices	a) One (1) space per <u>two hundred one hundred fifty (150) (200)</u> s.f. of floor area (Ord. No. 04-198) <u>(Ord. No. 2016-XX)</u>
Veterinarian Hospitals or Clinics	Establishments for medical, surgical, and emergency care of animal, to include veterinary office and clinics without animal boarding	a) One (1) space per <u>two one hundred fifty (150) (250)</u> s.f. of floor area (Ord. No. 04-198) <u>(Ord. No. 2016-XX)</u>



PLANNING AND ZONING COMMISSION REPORT

Meeting September 29, 2016

Date:

Agenda Item: 7R

Case Name: Saguaro Sky Medical Marijuana Dispensary

Case CU16-0015
Number(s):

General Application Information

Proposal:

To consider a request for a Conditional Use Permit to allow a medical marijuana dispensary use.

Location:

9240 W. Northern Avenue, Suite 103A

Project Acreage:

1,580 square foot suite

Applicant:

Andy Workman

Project Description

Discussion and possible action to consider a request for a Conditional Use Permit to allow a medical marijuana dispensary use in a vacant in-line suite located at 9240 W. Northern Avenue, Suite 103A. The property is within the Peoria Crossings Planned Area Development (PAD).

Recommendations:

Approve the applicant's request for a Conditional Use Permit for Case CU16-0015, subject to the conditions outlined in the staff report.

ATTACHMENTS:

Description

Staff Report

Exhibit A

Exhibit B

Exhibit C

Exhibit D

Exhibit E
Exhibit F
Exhibit G
Exhibit H
Exhibit I
Exhibit J
Exhibit K
Exhibit L
Exhibit M

BACKGROUND

Context

The Saguaro Sky medical marijuana dispensary is proposing to locate within an existing 1,580 square foot in-line suite located in the Peoria Crossings commercial shopping center at 9240 W. Northern Avenue. (Exhibit A)

General Plan

The subject property is designated Community Commercial on the General Plan Land Use Map. The Community Commercial land use designation denotes areas where commercial development that is more intense than that of neighborhood commercial areas may take place in the form of large-scale retail buildings and shopping centers that serve a market radius of generally 3 - 5 miles.

Zoning

The site is zoned Peoria Crossings Planned Area Development (PAD). The PAD district is intended to provide a tailored list of uses such as restaurant, retail, and office uses that align and support the nature of the surrounding area. (Exhibit B)

Adjacent Uses and Zoning

Table 1 summarizes the existing land use, General Plan designation and zoning for the surrounding areas.

Table 1 – Existing Land Use, General Plan, and Current Zoning

	EXISTING LAND USE	GENERAL PLAN	ZONING
Subject Property	Vacant Commercial in-line suite	Community Commercial	Peoria Crossings Planned Area Development
North	Salt River Project power line corridor, then light industrial warehouse	Park / Open Space, then Community Commercial	Planned Light Industrial (PI-1)
South	Northern Avenue, then vacant agricultural land	Corporate Commerce Center (City of Glendale)	Agricultural (A-1) (City of Glendale)
East	91 st Avenue, then gas station	Low Density Residential	Intermediate Commercial (C-2)
West	Commercial businesses, then Loop 101 highway	Community Commercial	Peoria Crossings (PAD), then Intermediate Commercial (C-2)

Other Related Policies and Project History

A previous medical marijuana dispensary received approval to operate at this location in February, 2013. The applicant did not move forward with building permits at this site, and the approved Conditional Use Permit (CUP) expired in August, 2014, eighteen months after approval. The site is still suitable for a medical marijuana use today.

State Regulations

Proposition 203 was passed on November 2, 2010 authorizing the use, sale, and cultivation of medical marijuana in Arizona. Prop 203 also authorized cities the ability to enact reasonable zoning regulations that limit the use of land for registered non-profit medical marijuana dispensaries and cultivation. The Arizona Department of Health Services (ADHS) is the agency responsible for the adoption and enforcement of the regulatory system currently used for the distribution of medical marijuana, including the system used for registering qualifying patients, designated caregivers, non-profit dispensary/cultivation sites, and dispensary/cultivation agents.

The Medical Marijuana Act went into effect on April 14, 2011. Applications for a dispensary registration certificate were not accepted until May, 2012. The total number of certificates authorized was based on the number of pharmacies within the State. For every ten (10) licensed pharmacies, one (1) medical marijuana dispensary was allowed. This equated to one-hundred twenty-six (126) possible certifications/dispensaries. In an effort to ensure patient access throughout the State, ADHS limited the number of registered dispensaries according to geographic regions referred to as Community Health Analysis Areas (CHAA). One dispensary was permitted within each CHAA (Exhibit C). A random selection process was used if more than one (1) application was received for a CHAA.

The City of Peoria currently lies within three (3) different CHAAs: #38 Maricopa Co. N, #39 Wickenburg, and #41 Peoria. The CHAA referred to as #41 Peoria contains a majority of the City and currently has a medical marijuana dispensary operating west of the southwest corner of 91st Avenue and Peoria Avenue (Exhibit D). This dispensary received approval for a Conditional Use Permit through the Planning and Zoning Commission on April 18, 2013. This has been the only operating medical marijuana dispensary within the City limits to date.

For the first time since the initial calculation, the number of pharmacies within the State has been re-evaluated and there are now thirty one (31) dispensary registration certificates available. ADHS was accepting applications between July 18-29, 2016. The CHAAs will remain as-is and the disbursement of the dispensaries within the CHAAs will be based on the areas with the most registered patients. The CHAA referred to as #41 Peoria is currently ranked number seven (7) on the priority list for another dispensary (Exhibit E).

APPLICANT'S PROPOSAL

Goal/Purpose of Request (Exhibits F-J)

The center is located at the northwest corner of 91st Avenue and Northern Avenue. The subject suite is approximately 1,580 square feet and located towards the eastern edge of the overall center, which is approximately 70 acres in size. The applicant is requesting the approval of a Conditional Use Permit (CUP) to allow a medical marijuana

dispensary.

The applicant is proposing to operate daily from 8:00 a.m. to 9:00 p.m. It is expected that a minimum of three employees will be on site at a time to assist patients, while in the future; up to 10 employees may be on the premises depending on patient demand. With maximum staffing, up to five patients could be served at any one time. The applicant is expecting to see about 100 customers per day. At maximum capacity, up to 10 patients may be in the medicine dispensing area at one time and 30 persons within the lobby waiting area. Patients cannot access the dispensing room until verified through the Arizona Department of Health Services (AZDHS). Only one patient for every Dispensary Agent (employee) will be allowed. Non-cardholders will not be granted access to the dispensing room or be able to purchase items.

A professionally trained security guard will be on-premise during all hours of operation. A third-party security company shall monitor the alarm system 24 hours a day and have direct communication lines to ownership personnel. Panic buttons will be strategically placed for employees in case of emergency. The security guard will also have a direct line of communication with the security system monitoring company. Approximately thirteen indoor and outdoor cameras will capture high-resolution video of the premise 24 hours a day. All video footage will be stored for at least 60 days in accordance with local ordinance.

A large carbon filter will be placed in the Safe Room near recirculating fans filtering the air for particulates and odor. The ambient air outside of the Safe Room circulating throughout the building will have a closed system air conditioner also filtering the air for particulates and odor while maintaining the building's air temperatures. There shall be no emission of dust, fumes, vapors or odors into the environment from the premise. "No Medicating" signs will be posted on site and security personnel will monitor this with a zero tolerance policy. Any waste/expired marijuana will be stored indoors in a secured and locked location inside the Safe Room. The company will recycle all plant material waste by shredding the plant materials into small half inch pieces and composting on premises or composting in area landscapes or local farms. Pickup and disposal of waste material will be in accordance with AZDHS rules.

Marijuana will be stored in locked cases and behind patient counters during business hours. After hours, Marijuana products will be stored in the designated Safe Room that is lined with a heavy duty DEA Cage. The Safe Room and Inventory Cage will have high security entry requirements, self-closing and self-locking door, panels that sit flush to the floor, heavy-duty hardware, and will be only accessible by limited personnel. Marijuana consumption will not be allowed in suite, on site, or in vehicles on the premises.

Transportation security measures will consist of discreet packaging for all products and the products will not be openly visible to the public. On-site security personnel will escort all delivery people to and from their vehicles. All transporting vehicles must not have any advertising and/or marijuana related images associated with it according to

AZDHS regulations. Transport vehicle will travel directly between destinations without making any unnecessary stops and a printed Trip Manifest will be onboard with the transporter at all times.

The business entrance and all exterior window areas shall be illuminated during evening hours and shall comply with the City's lighting standards regarding fixture type, wattage, illuminating levels, and shielding. Exterior entry point doors (one in front and one in back) will use commercial grade doors with non-residential locks. Conspicuous cameras will be placed to encourage people to not attempt access. The restricted access area doors (back door, dispensing room door, manager's office door, employee office door, and DEA Cage door) will be locked at all times with a spring loaded hinge to ensure it closes behind persons as they enter or leave the secured area. Access will only be granted with a smart lock system and signage will be displayed on the door indicating that members of the public are not allowed unescorted access.

Development Information

- | | |
|-----------------|---------------------------------|
| • Existing Use: | Vacant commercial in-line suite |
| • Proposed Use | Medical Marijuana Dispensary |
| • Suite Size: | 1,580 square feet |

DISCUSSION AND ANALYSIS

Applicability

The subject property is zoned Peoria Crossings PAD. The PAD zoning district allows a medical marijuana dispensary through the issuance of a Conditional Use Permit, subject to limitations.

Article 14-9-5-K of the Zoning Ordinance provides the following limitations on medical marijuana dispensaries. Staff responses are in *italics*.

1. Vehicular access into the center or site containing the dispensary shall be from an arterial roadway.

The dispensary can be accessed from 91st Avenue or Northern Avenue.

2. The use shall not be located within 2,640-feet of another Medical Marijuana Dispensary or Medical Marijuana Manufacturing or Cultivation Facility.

The closest location, Arizona Natural Selections, is over 2,640 feet away.

3. The use shall not be located within 1,000-feet of the property line of Day-Care Facilities, Pre-Schools, Public/Charter or Private Schools.

The closest location, Raymond S. Kellis High School, is over 1,000 feet away.

4. The use shall not be located within 1,000-feet of a Retail Liquor Store; Tavern, Bar or Lounge; Adult Use; Substance Abuse Treatment Centers; or State Local Alcohol Reception Center.

The area surrounding the proposed location does not contain any of these uses.

5. The use shall not be located within 500-feet of the property line of a residentially-zoned property.

The closest location, a vacant residentially-zoned parcel located in the City of Glendale, is over 500 feet away.

6. The product offered for retail sales to Medical Marijuana Cardholders shall be inaccessible to the public entering the Medical Marijuana Dispensary. All product provided for retail sales shall be located behind a counter staffed by a Nonprofit Medical Marijuana Dispensary Agent as defined by A.R.S. § 36- 2801. et. seq.

Saguaro Sky will only sell product to Medical Marijuana Cardholders that are inaccessible to the public and placed behind a counter staffed with a Dispensary Agent.

7. The Dispensary shall have operating hours not earlier than 8:00 a.m. and not later than 9:00 p.m.

The hours of operation will be daily from 8:00 a.m. to 9:00 p.m.

8. The Cultivation of Marijuana is prohibited.

No on-site cultivation will be done.

9. Delivery services are prohibited.

Saguaro Sky will not be making any deliveries.

10. Drive-through services and sales are prohibited.

The in-line suite does not have a drive-through window.

11. Alcoholic beverages shall not be sold, stored, distributed or consumed on the premises.

No alcoholic beverages will be sold.

12. The Dispensary shall not have outdoor seating areas, but shall have adequate indoor seating to prevent outside loitering.

Saguaro Sky will have seating for up to 30 patients in the lobby.

13. The business entrance and all window areas shall be illuminated during evening hours and shall comply with the City's lighting standards regarding fixture type, wattage, illumination levels, shielding etc.

Saguaro Sky will utilize lighting in line with City standards.

14. The windows and/or entrances shall not be obstructed and must maintain a clear view into the premises during business hours.

The applicant will leave the windows clear of obstruction, and keep all entrances well-lit with conspicuous security measures, including security camera, locking doors, a security guard, and remote monitoring.

15. The use shall provide a plan to ensure that no consumption of Marijuana or any product containing Marijuana occurs on the premises of a Medical Marijuana Dispensary.

Marijuana consumption will not be allowed in suite, on site, or in vehicles on the premises. "No Medicating" signs will be posted on site and security personnel will monitor this with a zero tolerance policy.

16. Tenant improvement plan shall ensure that ventilation, air filtration, building and design standards are compatible with adjacent uses and the requirements of adopted building codes.

The applicant will utilize all proper ventilation, air filtration, and building design according to the building codes adopted by the City of Peoria.

Section 14-39-12 of the Zoning Ordinance outlines the applicable criteria for evaluating Conditional Use Permits. In general, the purpose of a CUP is to mitigate any identified negative impacts on the surrounding neighborhood that may result from a specific use, and provide controls to ensure maximum compatibility between nearby land uses.

Compatibility With Surrounding Land Uses

The proposal meets all distances separations required for a medical marijuana dispensary, including schools, day care centers, bars, taverns, liquor stores, substance abuse treatment centers, and residentially-zoned properties. (Exhibit K) A list of all businesses located within 1,000 feet has also been provided. (Exhibit L)

A second dispensary in the City creates an opportunity to better serve the citizens requiring this service. The AZDHS lists Peoria as the 7th highest area of need for cardholders. This proposal also will utilize the vacant suite within an existing commercial center that has seen new invest recently. Moreover, the use will have

access to an adequate supply of parking at the center. Staff does not anticipate any negative impacts that would affect adjoining or nearby uses as a result of this request.

If any issues arise regarding the operation of the business, Section 14-39-12.I of the Zoning Ordinance provides the Planning Manager with continuing jurisdiction over all Conditional Use Permits. This means that a permit may be revoked, modified, or suspended should any of the following occur:

- a. The permit was obtained by fraud or misrepresentation;
- b. The use authorized by the CUP has been exercised in violation of the conditions of approval.
- c. A change in circumstances where the following has occurred:
 1. Impacts from the approved CUP to neighboring properties; and
 2. Changes in aesthetic or environmental impacts such as noise, odors, or pollution.
- d. The use authorized by the CUP is operated in a manner that constitutes a nuisance to neighboring property owners, adjacent neighborhoods, or the City; or is exercised in a manner that is detrimental to the public health, welfare or safety.

COMMUNITY INVOLVEMENT

Outreach Requirements

The application was properly noticed pursuant to Section 14-39-6 of the Peoria Zoning Ordinance, which includes notification to all property owners within 600 feet of the site and registered HOA's within one (1) mile, posting a sign on the site, and placing an ad in the Peoria Times at least 15 days prior to the Public Hearing.

Support / Opposition

At the time of this writing, one email of opposition (Exhibit M) was received six (6) weeks after the initial application submittal. The email was sent by a neighboring property owner within the Peoria Crossings commercial shopping center who did not agree that the proposed dispensary fit within the context of a retail development with family style restaurants.

Proposition 207 Waiver

The voters of Arizona approved Proposition 207, which among other things requires municipalities to compensate property owners for actions which have the effect of diminishing the value of property. The City Attorney's Office has drafted an agreement which waives the applicant's rights to future Proposition 207 claims against the City. Accordingly, the applicant has furnished a signed and notarized Proposition 207 Waiver.

STAFF RECOMMENDATION

Based on the following findings:

1. The request is consistent with the City of Peoria Zoning Ordinance and compatible with the uses in the surrounding area;
2. The proposal meets the Conditional Use Permit standards and complies with the use limitations for a Medical Marijuana Dispensary;
3. The application has been reviewed and approved by the Peoria Police Department;
4. The use will be located and will operate in a manner that protects the adjacent properties and businesses from nuisances and is consistent with a retail/service character of the area;
5. The use, in conjunction with the conditions of approval, will operate in a manner that will not negatively impact the adjoining uses; and,
6. The applicant/owner has submitted a signed and notarized a Proposition 207 waiver, which will be recorded with the conditions outlined below.

Staff recommends that the Planning and Zoning Commission take the following action:

Approve the applicant's request for a Conditional Use Permit under Case CU16-0012, subject to the following conditions:

1. The use shall substantially conform to the Project Narrative (Exhibit F), Security Management Narrative (Exhibit G), Security Plan (Exhibit H), and Floor Plan (Exhibit J) as contained in the staff report to the Planning & Zoning Commission dated September 29, 2016;
2. The applicant shall secure any necessary security system and/or alarm system permits from the Peoria Police Department;
3. The use shall fully comply with all state and local laws and Arizona Department of Health Services regulations pertaining to medical marijuana dispensaries;
4. The applicant shall post a no loitering sign on all sides of the suite;
5. Any expansion of the use, or material modification of the tenant suite shall require an amendment to the Conditional Use Permit; and,
6. In accordance with Section 14-39-12.B.5 of the Peoria Zoning Ordinance (1977 Edition), the Conditional Use Permit will expire on 3/29/2018 if the use has not began operating or a building permit has not been obtained.

REPORT PREPARED BY

Randy Proch

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ATTACHMENTS:

Exhibit A	Vicinity Map
Exhibit B	Zoning Map
Exhibit C	CHAA Map
Exhibit D	Current Dispensary
Exhibit E	CHAA Priority List
Exhibit F	Project Narrative
Exhibit G	Security Management Narrative
Exhibit H	Security Plan
Exhibit I	Site Plan
Exhibit J	Floor Plan
Exhibit K	Distance Separation Exhibit
Exhibit L	1,000 Foot Use List
Exhibit M	Email of Opposition

CU16-0015 Vicinity Map



CU16-0015 Saguaro Sky Medical Marijuana Dispensary

Applicant: Andy Workman

Request: The applicant is requesting a Conditional Use Permit for a medical marijuana dispensary.

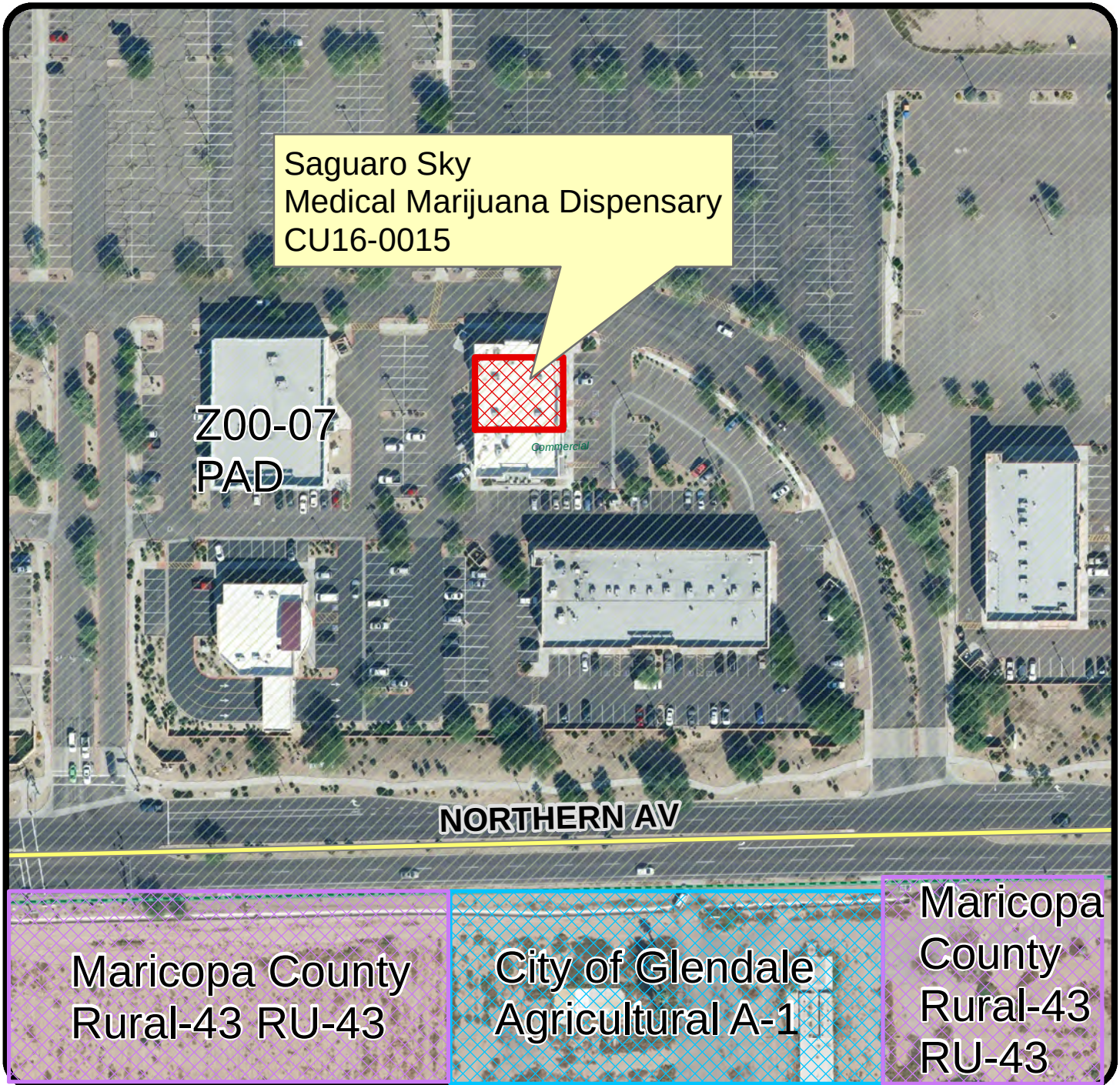
Location: West of the northwest corner of 91st Avenue and Northern Avenue.

Exhibit A



Not to Scale

CU16-0015 Zoning Map



CU16-0015 Saguaro Sky Medical Marijuana Dispensary

Applicant: Andy Workman

Request: The applicant is requesting a Conditional Use Permit for a medical marijuana dispensary.

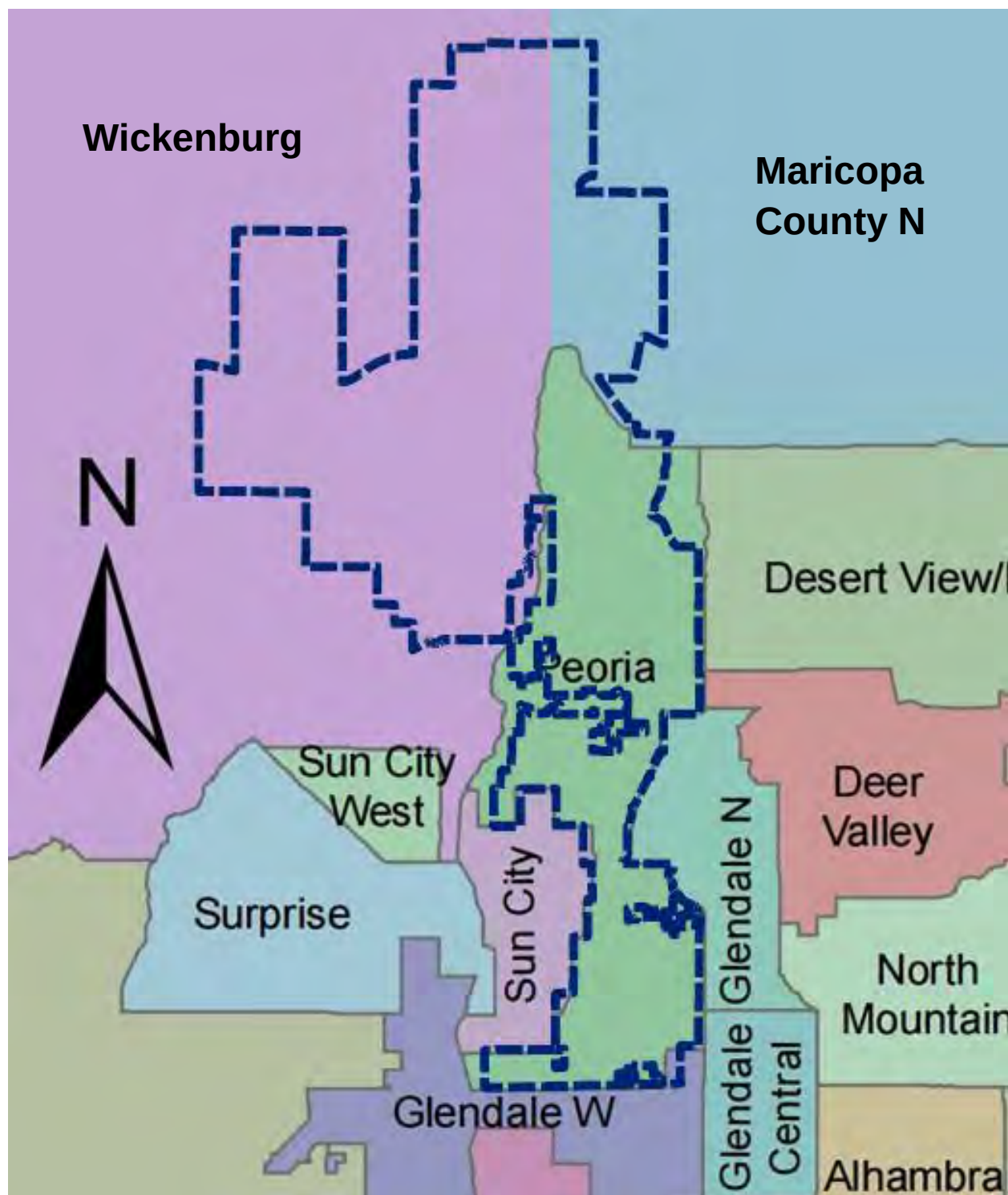
Location: West of the northwest corner of 91st Avenue and Northern Avenue.

Exhibit B



Not to Scale

Community Health Analysis Areas



— — — Peoria City Limits



Current Peoria Dispensary Location

Arizona Natural Selections



ARIZONA DEPARTMENT OF HEALTH SERVICES

LICENSING

June 16, 2016

Top 31 CHAAs prioritized under [R9-17-303\(B\)\(2\)](#)

Rank	CHAA	CHAA ID
1	Paradise Valley Village	46
2	North Mountain	52
3	Deer Valley	44
4	Chandler SE	80
5	Scottsdale N	40
6	Camelback East	56
7	Peoria	41
8	Gilbert E	77
9	Mesa E	65
10	Scottsdale S	58
11	Surprise	47
12	Tanque Verde	106
13	Tucson NE	105
14	Tempe N	68
15	Mesa W	69
16	Tempe S	74
17	Maryvale	60
18	Alhambra	59
19	Yavapai Co. NE	26
20	Superior/Kearny	93
21	Chandler NW	79
22	Tucson E Central	109
23	South Mountain	71
24	Glendale N	45
25	Desert View/North Gateway	42
26	Mesa Central	70
27	Ahwatukee Foothills	78
28	Maricopa Co. W	51
29	Lake Havasu City	8
30	Mesa S	73
31	Apache Junction	92

Douglas A. Ducey | Governor Cara M. Christ, MD, MS | Director

Narrative

The purpose of this application is to receive a Conditional Use Permit (CUP) to operate a Medical Marijuana Dispensary in a single suite within a fully occupied Free Standing Pad Building. The proposed suite is 1,580 gross square feet and located in the Peoria Crossings Planned Area Development zoning district. The entire pad building is 7,900 gross square feet and there are currently four other tenants operating in the adjacent suites. Current tenants within the PAD Building from south to north are Streets of New York Pizza Restaurant, State Farm Insurance Company, Tuxedo Shop, our proposed suite, and Twisted Cultures Yogurt Shop. Major tenants within Peoria Crossing Shopping Center include Kohl's Target, Petco, and Michaels.

[See Exhibit A - Adjacent Properties Map]

There will be no improvements needed for the exterior of the building as it already complies with the City's standards. The inside of our proposed suite will need tenant improvements before operational. With those tenant improvements will come high security measures, proper ventilation and air filtration, and design standards that are compatible with adjacent uses and adopted building codes.

[See Exhibit B - Floor Plans and Plot Plans]

The site is located in a high traffic shopping center on the northwest corner of Northern Ave. and 91st Ave. There are several national retailers within this shopping center. The nearest residentially zoned property is to the southeast (Maricopa County RU-43) and is over 500 feet away. The two nearest schools are both over 1,000 feet away and there are no Bars or Taverns in the area. Also, the closest currently operational medical marijuana establishment is nearly 2 miles to the north.

[See Exhibit C - Distance Separation Maps]

Since the proposed facility is in a high traffic retail area, there is plenty of parking and traffic circulation. Preferred entrance for customers is from Northern Ave, however, traffic can enter the shopping center from either Northern Ave or 91st Ave. The hours of operations will be seven days a week from 8AM to 9PM. It is expected that a minimum of three employees will be on site at a time to assist patients, while in the future; up to 10 employees may be on the premises depending on patient demand. With maximum staffing, up to five patients could be served at any one time. We expect to see about 100 customers per day with an average shopping

time of 15 minutes. At maximum capacity, up to 10 patients may be in the medicine dispensing area at one time and 30 persons within the lobby waiting area. We do not expect to ever come close to our capacity limits and no outdoor loitering will be permitted. We will also have about 3-4 inventory deliveries per week. The deliveries are unnoticeable, as they do not include large commercial vehicles. There are plenty of parking spaces; 88 registered parking spaces for the lot. [See Exhibit D - Parking Map]

The dispensary will offer medical marijuana, including natural form marijuana, edibles, concentrates/oils, and tinctures to state licensed patients. The business may sell additional related products in order to meet the needs of its patients, however, the sale of all products will be fully in accordance with AZDHS regulations and Arizona Law. Patients will not have direct access to the dispensing room upon entering the establishment. Once the patient has been verified through the AZDHS Online System, they will be admitted to the controlled access dispensary room. One patient for every Dispensary Agent (employee) will be allowed. Non-cardholders will not be granted access to the dispensing room or be able to purchase items. However, certain situations arise in which individuals without a state licensed patient card need to enter the dispensary. These certain situations consist of, but not limited to, family members of patients who require physical assistance, fire marshal, insurance agents, repair services, electrical services, technical support, etc. Dispensary Agents will require such individuals to provide official identification (i.e. driver's license, passport, etc.). Dispensary Agents will take a colored copy of the identification and write Date / Time of Visit and the reason for their visit. Guest will wear a Visitor's Badge around their neck and the guest logs will be filed and stored as official business documents.

Although no cultivation of marijuana will take place on premise, during inventory days and increase in odor may occur. A large carbon filter will be placed in the Safe Room (where majority of product is stored) near recirculating fans filtering the air for particulates and odor. The ambient air outside of the Safe Room circulating throughout the building will have a closed system air conditioner also filtering the air for particulates and odor while maintaining the building's air temperatures. We have never had odor issues at our current dispensary location. There shall be no emission of dust, fumes, vapors or odors into the environment from the premise.

Marijuana will be stored in locked cases and behind patient counters during business hours. After hours, Marijuana products will be stored in the designated "Safe Room" that is lined

with a heavy duty DEA Cage. The Safe Room and Inventory Cage will have high security entry requirements, self-closing & a self-locking door, panels flush to the floor, heavy-duty hardware, and is only accessible by limited personnel. Marijuana consumption will not be allowed in suite, on site, or in vehicles on the premises. “No Medicating” signs will be posted on site and security personnel will monitor this with a zero tolerance policy. Any waste/expired marijuana will be stored indoors in a secured and locked location inside the Safe Room. The company will recycle all plant material waste by shredding the plant materials into small ½ inch pieces and composting on premises or composting in area landscapes or local farms. Pickup and disposal of waste material will be in accordance with AZDHS rules.

[See Exhibit E - Security Plan for more details]

Exhibit G

Security Management Plan Discussion

- Exterior entry point doors (one in front and one in back) will use commercial grade doors with non-residential locks. Conspicuous cameras will be placed to encourage people to not attempt access.
- The restricted access area doors (back door, dispensing room door, Manager's office door, employee office door, and DEA Cage door) will be locked at all times with a spring loaded hinge to ensure it closes behind persons as they enter or leave the secured area. Access will only be granted with a smart lock system and signage will be displayed on the door indicating that members of the public are not allowed unescorted access.
- No personnel will be allowed past the Lobby Waiting Area without;
 - Checking in as a Patient
 - Signing in as a guest (via companies strict Visitor Policy) and being escorted by company personnel at all times.
 - OR being a registered Dispensary Agent with another state licensed medical marijuana facility and escorted by company personnel at all times.
- A professionally trained Security Guard will be on-premise during all hours of operation. "Security Guard" shall mean licensed and duly bonded security personnel registered pursuant to A.R.S. §32-601.
- Approximately thirteen indoor and outdoor cameras will capture high-resolution video of the premise 24 hours a day. All video footage will be stored for at least 60 days in accordance with local ordinance.
- A third party security company shall monitor the premise alarm system 24 hours a day and have direct communication lines to ownership personnel. Panic Buttons will be strategically placed for employees in case of extreme emergencies. On-Site security guard will also have a direct line of communication with the security system monitoring company.
- During non-business hours, all marijuana products will be in a locked storage area. Product storage will be behind three restricted access doors and protected with a high-security DEA Cage.

- The business entrance and all window areas shall be illuminated during evening hours and shall comply with the City's lighting standards regarding fixture type, wattage, illuminating levels, shielding, etc.
- Transportation security measures will consist of discreet packaging for all products and the products will not be openly visible to the public. On-site security personnel will escort all delivery people to and from their vehicles. All transporting vehicles must not have any advertising and/or marijuana related images associated with it (pursuant of AZDHS regulations). Transport vehicle will travel directly between destinations without making any unnecessary stops and a printed Trip Manifest will be onboard with the transporter at all time.

[See Dispensary Security Plan Layout on next page for more details]

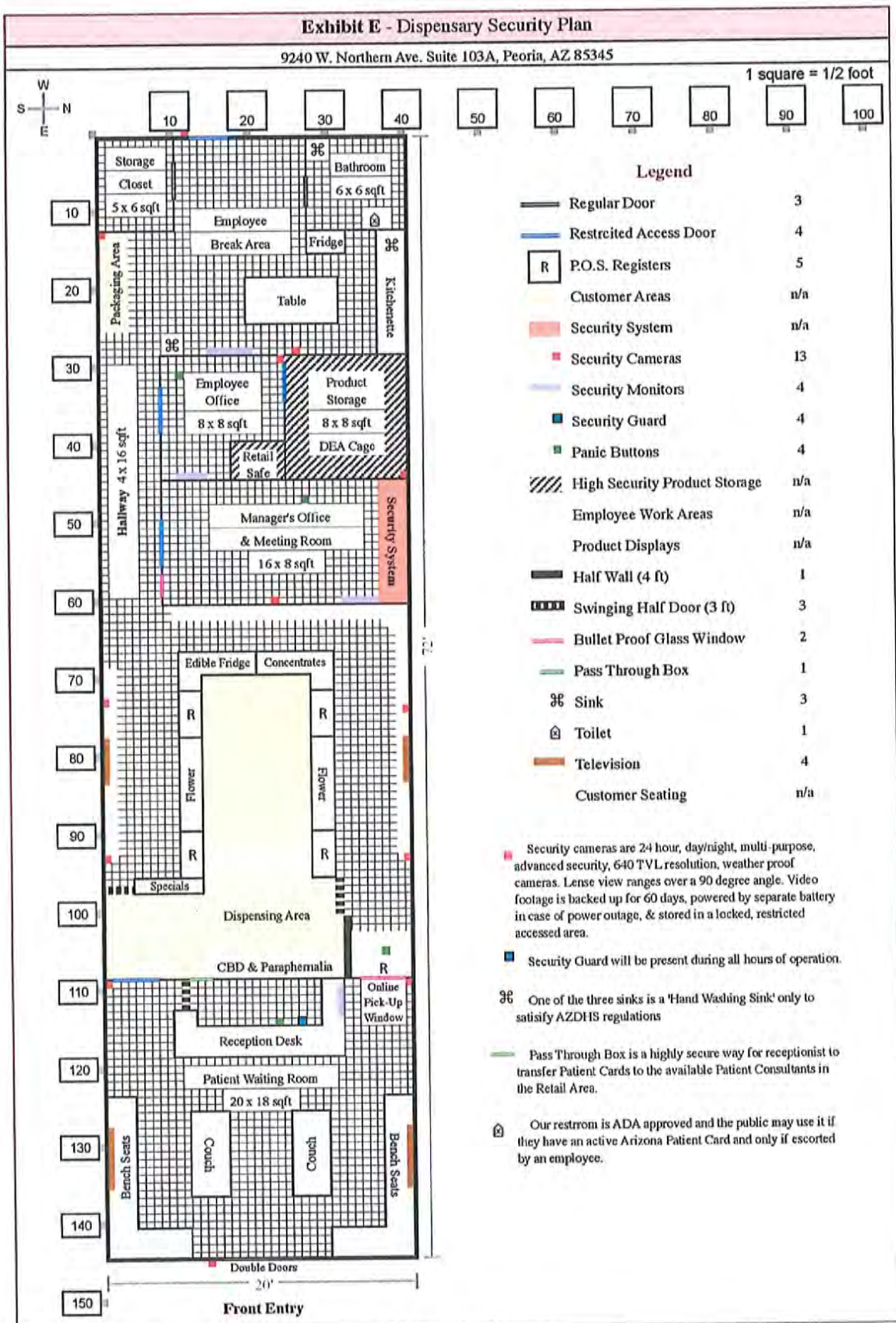
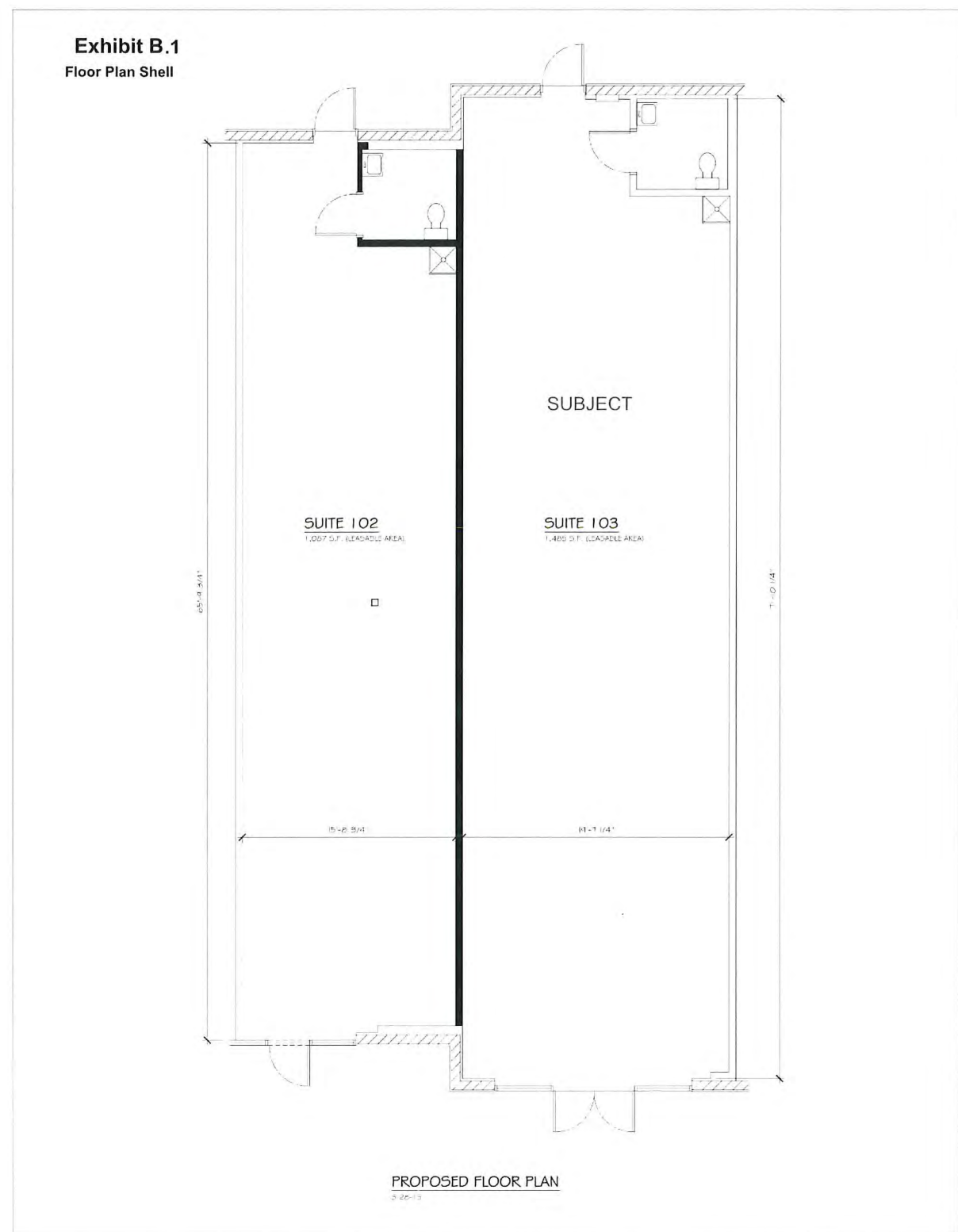


Exhibit B.1
Floor Plan Shell



PROPOSED FLOOR PLAN
2'-0" = 1'-0"

① Proposed Floor Plan
Scale 1/4" = 1'



CONSULTANTS:

PROJECT:

Peoria Crossings
Peoria, AZ

Peoria Crossings
9240 W. Northern Ave.
Suite 103A
Peoria, Arizona 85345

DRAWN: RZ

CHECKED:

DATE: 12 July 2016

SCALE:

SHEET TITLE:

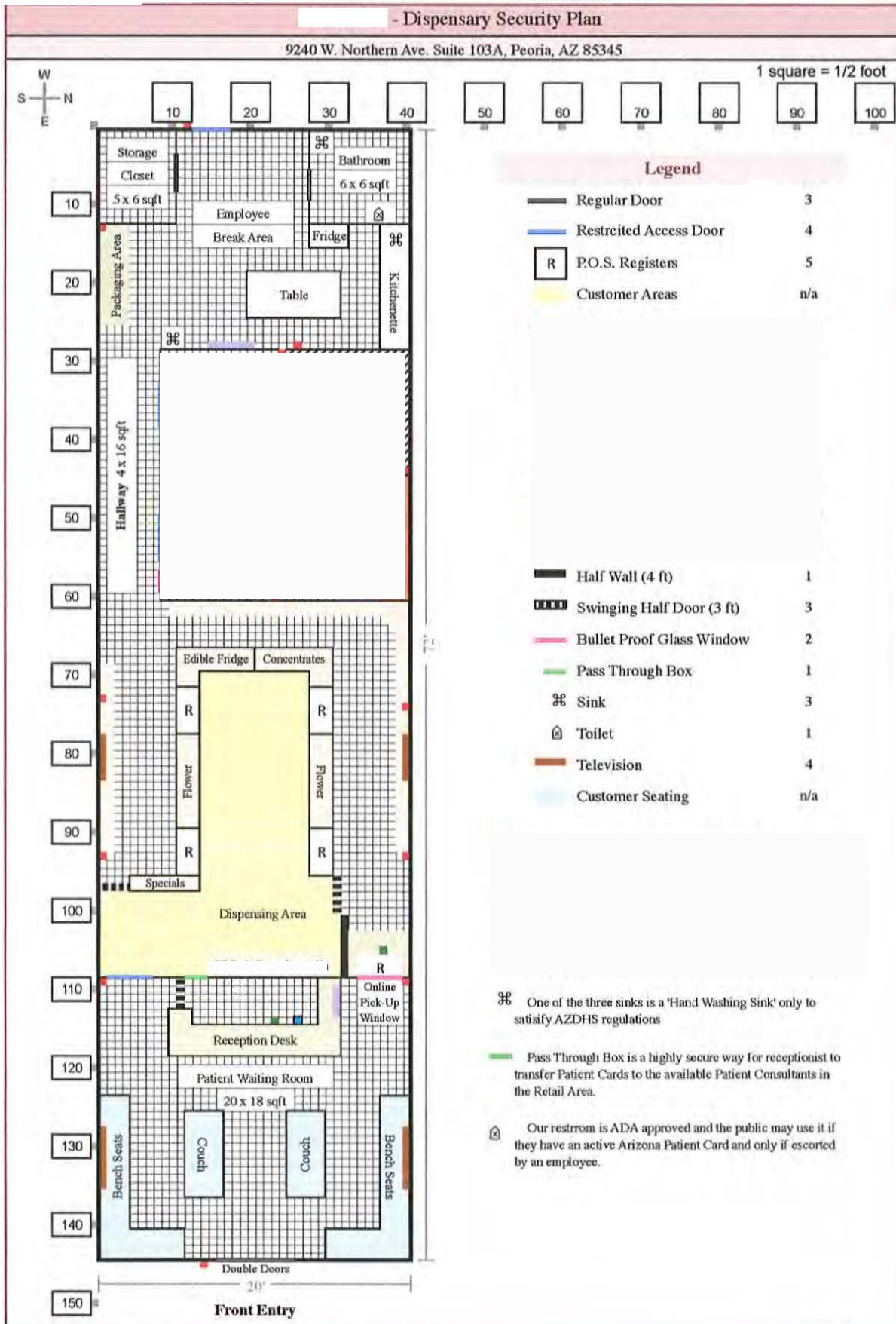
Exhibit B.1

SHEET NO.:

ID.01

610 s main street suite 213 los angeles ca 90014 O] 213.769.4035 F] 866.431.5667

level 3 design group



Distance Separation Maps

500-feet from Residentially Zoned Property

- About 620 feet from a residentially zoned property to the southeast. Maricopa County jurisdiction and is zoned RU-43.



1,000 feet from property line of Day Care, Schools, etc.

- Nearest school is Raymond S. Kellis High School. It is approximately 1,700 square feet to the southwest.

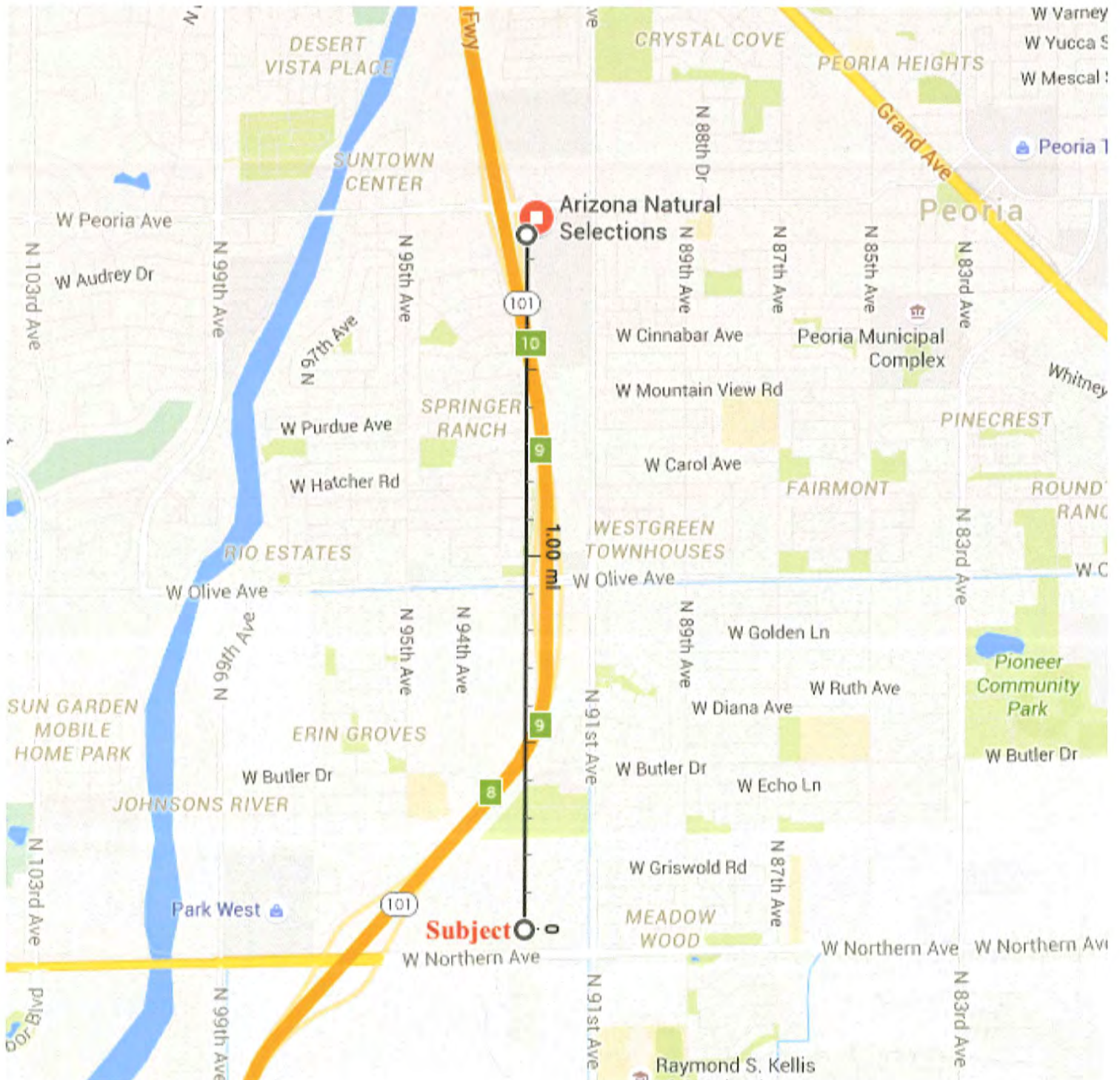


1,000 feet from Retail Liquor, Taver/Bar, Adult Use, etc.

- There are none in the remote area. The nearest one is over one mile away.

2,640 feet from another Medical Marijuana Dispensary

- Nearest operating Medical Marijuana Dispensary is Arizona Natural Selections and it is about 2 miles directly north.



List of Businesses Within 1,000 Feet

Exhibit L

- | | |
|---|--|
| 1. AutoZone
8050 N 91st Ave
Peoria, AZ 85345 | 11. Kohl's South Peoria
9220 W Northern Ave
Glendale, AZ 8530 |
| 2. Leslie's Pool Suplies
9184 W Northern Ave
Glendale, AZ 85305 | 12. Ulta Beauty
9280 W Northern Ave
Glendale, AZ 85305 |
| 3. Verizon
9184 W Northern Ave #101
Glendale, AZ 85305 | 13. Catherines
9282 W Northern Ave
Glendale, AZ 85305 |
| 4. TNT Car Wash & Quick Lube
9130 W Northern Ave
Glendale, AZ 85305 | 14. OfficeMax
9320 W Northern Ave #140
Peoria, AZ 85305 |
| 5. Shell Gas Station
9060 W. Northern Avenue
Glendale, AZ 85305 | 15. Carter's
9320 W Northern Ave #120
Glendale, AZ 85305 |
| 6. Chevron Gas Station
9031 W. Northern Avenue
Glendale, AZ 85305 | 16. Styles For Less
9320 W Northern Ave
Peoria, AZ 85345 |
| 7. Panda Express
9230 W Northern Ave
Peoria, AZ 85345 | 17. Target
9350 W Northern Ave
Glendale, AZ 85305 |
| 8. Twisted Cultures Yogurt Shop
9240 W Northern Ave
Glendale, AZ 85305 | 18. CVS Pharmacy
9350 W Northern Ave
Glendale, AZ 85305 |
| 9. Bank of America
9260 W Northern Ave
Glendale, AZ 85345 | 19. Anna's Linens
9420 W. Northern Ave, #103
Glendale, AZ 85305 |
| 10. Game Stop
9284 W Northern Ave STE 102
Glendale, AZ 85305 | 20. DressBarn
9420 W. Northern Ave,
Glendale, AZ 85305 |

21. Payless Shoe Source
9440 W. Northern Ave,
Glendale, AZ 85305

22. Hollywood Beauty Eyebrow
Threading
9440 W Northern Ave #102
Glendale, AZ 85305

23. Sally Beauty Supply
9440 W Northern Ave #101
Glendale, AZ 85305

24. Famous Footwear
9450 W Northern Ave
Glendale, AZ 85305

25. Ross Dress for Less
9460 W Northern Ave
Glendale, AZ 85305

26. Michaels
9470 W Northern Ave
Glendale, AZ 85305

27. Petco Animal Supplies
9480 W Northern Ave
Glendale, AZ 85305

28. Just Brakes #71
9492 W Northern Ave
Peoria, AZ 85345

29. Village Inn
9490 W Northern Ave
Glendale, AZ 85305

30. Long John Silver's
9380 W Northern Ave
Glendale, AZ 85305

31. Carl's Jr.
9360 W Northern Ave
Peoria, AZ 85345

32. Wienerschnitzel
9370 W Northern Ave
Glendale, AZ 85305

33. Applebee's
9330 W Northern Ave
Glendale, AZ 85305

34. Streets of New York
9240 W Northern Ave #101
Glendale, AZ 85305

35. Mattress Firm
9284 W Northern Ave
Peoria, AZ 85345

36. T-Mobile Glendale
9284 W Northern Ave Suite 105
Glendale, AZ 85305

37. Julie Nail & Spa
9230 W Northern Ave # 102
Glendale, AZ 85305

38. Quiznos
9230 W Northern Ave #107
Glendale, AZ 85305

39. State Farm Insurance Agency
9240 W Northern Ave Ste 102
Glendale, AZ 85305

40. Supercuts
9230 W Northern Ave # 108
Glendale, AZ 85305

41. Bright Now! Dental
9230 W Northern Ave #106
Glendale, AZ 85305

42. Integrity Tax and Accounting
9230 W Northern Ave #103
Glendale, AZ 85305

43. Celebrity Tux and Tails
9240 W Northern Ave #103A,
Glendale, AZ 85305

44. Great Clips
9284 W Northern Ave #103
Glendale, AZ 85305

45. 2 B Wireless
9284 W Northern Ave # 105
Glendale, AZ 85305

46. MORAN JOSE R
9061 W ROYAL PALM RD.
PEORIA, AZ 85345

47. THIGPEN DANIEL
9062 W HARMONT DR.
PEORIA, AZ 85345

48. GARCIA ANNA G
9054 W HARMONT DR.
PEORIA, AZ 85345

49. ICIC PROPERTY INVESTMENT LLC
9063 W HARMONT DR.
PEORIA, AZ 85345

50. KOTHE CATHY J
9055 W HARMONT DR.
PEORIA, AZ 85345

51. VALDEZ STEVE/MARY
9047 W HARMONT DR.
PEORIA, AZ 85345

From: [Susan Woosnam](#)
To: [Randy Proch](#)
Subject: CU16-0015 - Saguaro Sky Medical Marijuana Dispensary
Date: Monday, August 29, 2016 11:42:21 AM

To Randy Proch
Planning and Community Development

Re: CU16-0015 – Saguaro Sky Medical Marijuana Dispensary

As a property owner in the required notification area I am responding to the Notice of Application for a Medical Marijuana Dispensary.

We are completely against this type of use of property at this location. This is a highly developed retail site with Target, Kohl's, LA Fitness, Auto Zone, GameStop, etc. and with various family style restaurants in the immediate area. We do not feel that this type of business should be in this location.

We are responding with an emphatic "NO" to a medical marijuana dispensary at 9240 W. Northern Avenue, Suite 103A.

John B. Urbahns
Urbahns Companies, Inc.
7914 North Shadeland Avenue
Suite 200
Indianapolis, Indiana 46250

[REDACTED]
317.595.8600 x4 (o)

317.595.8610 (f)

[REDACTED]

[REDACTED]



PLANNING AND ZONING COMMISSION REPORT

Meeting September 29, 2016

Date:

Agenda Item: 8R

Case Name: CU16-0009: Medical Marijuana Dispensary

Case CU16-0009

Number(s):

General Application Information

Proposal:

Obtain a Conditional Use Permit to allow a Medical Marijuana Dispensary

Location:

8970 N 91st Avenue. Southwest Corner of 91st Avenue and Olive Avenue

Project Acreage:

1.03 Acres

Applicant:

Northern RE Investments LLC / Rose Law Group

Project Description

Discussion and possible action to consider a request for a Conditional Use Permit to allow the development and operation of a 2,000 square foot Medical Marijuana Dispensary, located at the southwest corner of 91st Avenue and Olive Avenue.

Recommendations:

Staff recommends **approval** of CU16-0009 subject to the conditions in the staff report.

ATTACHMENTS:

Description

CU16-0009 Staff Report

Exhibit A - Vicinity Map

Exhibit B - Zoning Map

Exhibit C - Previously Approved Site Plan

Exhibit D - Proposed Site Plan

Exhibit E - CHAAs within Peoria

Exhibit F - Current Dispensary Location
Exhibit G - CHAA Priority List
Exhibit H - Floor Plan
Exhibit I - Project Narrative
Exhibit J - Security Plan
Exhibit K - Distance Separation Map
Exhibit L - Surrounding Business List
Exhibit M - Opposition from South Peoria Baptist Church
Exhibit N - Distance Separation Map from South Peoria Baptist Church
Exhibit O - Outreach Efforts to South Peoria Baptist Church
Exhibit P - Opposition from Westgreen Townhomes
Exhibit Q - Distance Separation Map from Westgreen Townhomes
Exhibit R - Retracted Opposition from Westgreen Townhomes
Exhibit S - Neighborhood Meeting Documentation

BACKGROUND

Context

The applicant, Northern RE Investments LLC, is proposing to construct a 2,000 square foot medical marijuana dispensary at 8970 N 91st Avenue, which is located at the southwest corner of 91st Avenue and Olive Avenue. (Exhibit A)

General Plan

The subject property is designated Community Commercial on the General Plan Land Use Map, which promotes the development of large-scale retail buildings and shopping centers.

Zoning

The site is zoned Intermediate Commercial (C-2). The C-2 district is intended to provide opportunities for the sale of convenience goods and services. (Exhibit B)

Adjacent Uses and Zoning

Table 1 summarizes the existing land use, General Plan designation and zoning for the surrounding areas.

Table 1 – Existing Land Use, General Plan, and Current Zoning

	EXISTING LAND USE	GENERAL PLAN	ZONING
Subject Property	Undeveloped Land	Community Commercial	Intermediate Commercial (C-2)
North	QuikTrip Gas Station	Community Commercial	Planned Area Development (PAD)
South	Olive Retail Park	Community Commercial	Intermediate Commercial (C-2)
East	McDonald's Restaurant	Low Density Residential	Intermediate Commercial (C-2)
West	Loop 101 Freeway	Community Commercial	N/A

Other Related Policies and Project History

A previous site plan was approved for this location on August 19, 2009 with case PR09-09 (Exhibit C), with a six month site plan extension approved on March 1, 2011. A building permit was submitted on February 8, 2010, approved on July 22, 2011, but expired on September 19, 2013 due to inactivity. This site plan consisted of two buildings, one approximately 1,803 square feet and the second a multi-tenant building approximately 42,913 square feet. Both the previous and proposed site plans (Exhibit D) are similar in nature, in terms of circulation, parking, and building location.

State Regulations

Proposition 203 was passed on November 2, 2010 authorizing the use, sale, and cultivation of medical marijuana in Arizona. Prop 203 also authorized cities the ability to enact reasonable zoning regulations that limit the use of land for registered nonprofit medical marijuana dispensaries and cultivation. The Arizona Department of Health

Services (ADHS) is the agency responsible for the adoption and enforcement of the regulatory system currently used for the distribution of medical marijuana, including the system used for registering qualifying patients, designated caregivers, nonprofit dispensary/cultivation sites, and dispensary/cultivation agents.

The Medical Marijuana Act went into effect on April 14, 2011. Applications for a dispensary registration certificate were not accepted until May, 2012. The total number of certificates authorized was based on the number of pharmacies within the State. For every ten (10) licensed pharmacies, one (1) medical marijuana dispensary was allowed. This equated to one-hundred twenty-six (126) possible certifications/dispensaries. In an effort to ensure patient access throughout the State, ADHS limited the number of registered dispensaries according to geographic regions referred to as Community Health Analysis Areas (CHAA). One dispensary was permitted within each CHAA (Exhibit E). A random selection process was used if more than one (1) application was received for a CHAA.

The City of Peoria currently lies within three (3) different CHAAs: #38 Maricopa Co. N, #39 Wickenburg, and #41 Peoria. The CHAA referred to as #41 Peoria contains a majority of the City and currently has a medical marijuana dispensary operating west of the southwest corner of 91st Avenue and Peoria Avenue (Exhibit F). This dispensary received approval for a Conditional Use Permit through the Planning and Zoning Commission on April 18, 2013. This has been the only operating medical marijuana dispensary within the City limits to date.

For the first time since the initial calculation, the number of pharmacies within the State has been re-evaluated and there are now thirty one (31) dispensary registration certificates available. ADHS was accepting applications between July 18-29, 2016. The CHAAs will remain as-is and the disbursement of the dispensaries within the CHAAs will be based on the areas with the most registered patients. The CHAA referred to as #41 Peoria is currently ranked number seven (7) on the priority list for another dispensary (Exhibit G).

APPLICANT'S PROPOSAL

Goal/Purpose of Request

The applicant is requesting the approval of a Conditional Use Permit to operate a medical marijuana dispensary within a proposed 2,000 square foot building, which will consist of a lobby, patient consulting area, order assembly/cashier area, along with office and storage space (Exhibit H). The proposed hours of operation are Sunday through Saturday from 8:00 a.m. to 9:00 pm.

Development Information

- | | |
|-----------------|------------------------------|
| • Existing Use: | Undeveloped Land |
| • Proposed Use | Medical Marijuana Dispensary |

- Property Size: 1.03 Acres

DISCUSSION AND ANALYSIS

Details of Request (Exhibit I)

As stated above, the applicant is proposing to operate daily from 8:00 a.m. to 9:00 p.m. The number of employees present at any one time will range from eight (8) to fourteen (14) depending on the staffing needed to serve patients. The average number of patients during a non-peak time is five (5) with peak times increasing to fifteen (15). The waiting area has capacity for twenty (20) patients. The applicant is anticipating approximately 150 patients per day. Patient visits are typically short, lasting less than ten (10) minutes.

Once a patient enters the facility, they are required to check in and produce a valid ADHS Medical Marijuana Patient Registration Card (MMRC) along with an Arizona issued License or Identification Card. Their MMRC is also checked against the State's database to ensure expiration has not occurred and that the patient has a sufficient allotment allowed to purchase, which is no more than two and one-half (2.5) ounces of medical marijuana during any fourteen-day (14) period. This is all done in the lobby where there is no access to any medical marijuana. Once the patient has been verified, they wait to be brought back to the patient consulting area with a patient consultant. At this point, they would be able to look at the various products offered. The patient would then place their order. Staff would then assemble the order and receive payment in the order assembly/cashier area. The patient is then given their product in a plain unmarked bag where each product is sealed separately. The patient then leaves the building without reentering

The medical marijuana is offered in its natural plant form, as well as preparations made from the marijuana plant, including infused edibles, topical lotions, balms, and oils. There will be limited ancillary sales of products designed to aid in the administration of the medical marijuana. This includes items such as grinders, lighters, electronic vaporizer pens, and similar delivery methods. Items such as water pipes, which are typically found in "smoke" shops will not be sold.

Security measures have been taken as required by ADHS and the City. There will be signage clearly posted making patients aware that on-premise use of any product is strictly prohibited. A security guard will be posted onsite during all business hours to ensure no one is loitering or using product on the premises. There will also be a security system installed to include a video surveillance system consisting of thirty-two (32) cameras covering the entrance, outside walls of the building, parking lot, and the interior of the building. The cameras will record 24-hours per day and footage will be kept for sixty (60) days. If a patient violates any rules, they will no longer be allowed to make purchases from the dispensary and could lose their MMRC privileges altogether.

Applicability

The subject property is zoned C-2, which allows a medical marijuana dispensary through the issuance of a Conditional Use Permit, subject to limitations.

Article 14-9-5-M.1-2 of the Zoning Ordinance provides the following limitations on medical marijuana dispensaries. Staff responses are in *italics*.

1. Medical Marijuana remnants or by-products shall be disposed of according to an approved plan and not placed within the facility's exterior refuse containers.

All Medical Marijuana products are pre-packaged; therefore there will not be any remnants or by-products. If a pre-packaged product is discarded, it will be transported in an unmarked vehicle by a registered dispensary agent carrying a manifest listing all products to be returned and a trip plan back to the original source. All transportation of product is in accordance with State regulations.

2. There shall be no emission of dust, fumes, vapors, or odors into the environment from the premises.

All Medical Marijuana products are pre-packaged and on-premise consumption is prohibited; therefore the emission of dust, fumes, vapors, or odors will not occur onsite.

3. Signage for dispensaries shall be limited to the name of the business only, and no advertising of the goods and/or services shall be prohibited.

Signage for the dispensary will be limited to the name of the business only with no advertising of goods or services.

4. Medical Marijuana Dispensaries shall be located in a permanent building on an established foundation adhering to Peoria building codes and shall not include any temporary, portable, or self-powered mobile facilities.

A 2,000 square foot permanent building is proposed as shown on the attached site plan. All City codes and requirements will be met. Any temporary, portable, self-powered mobile facility is prohibited.

5. An active Security Management Plan shall be approved by the Police Department. The Plan shall include, but is not limited to:

- a. Security Cameras shall be installed and maintained in good condition, and used in an on-going manner. Recordings shall be retained for a minimum of 60 days and comply with any additional standards defined by the Security Management Plan.

- b. The business space shall be alarmed with an alarm system that is operated and maintained by a recognized security company.
- c. A security guard shall be provided at the main entrance during all hours of operation. For the purposes of this Section, “security guard” shall mean licensed and duly bonded security personnel registered pursuant to A.R.S. 32-601.

The Peoria Police Department have reviewed and approved the security plan (Exhibit J) for the dispensary. Thirty-two (32) security cameras are proposed with footage kept for sixty (60) days. There will be an alarm system and a security guard will be posted at the main entrance during hours of operation.

- 6. Vehicular access into the center or site containing the dispensary shall be from an arterial roadway.

The dispensary can be accessed from 91st Avenue through the Olive Retail Park, which is the adjacent parcel to the south. There is a cross-access easement currently recorded allowing this access.

- 7. The use shall not be located within 2,640-feet of another Medical Marijuana Dispensary or Medical Marijuana Manufacturing or Cultivation Facility.

The closest location, Arizona Natural Selections, is over 2,640 feet away.

- 8. The use shall not be located within 1,000-feet of the property line of Day-Care Facilities, Pre-Schools, Public/Charter or Private Schools.

The closest location, Alta Loma Elementary School, is over 1,000 feet away.

- 9. The use shall not be located within 1,000-feet of a Retail Liquor Store; Tavern, Bar or Lounge; Adult Use; Substance Abuse Treatment Centers; or State Local Alcohol Reception Center.

The area surrounding the proposed location does not contain any of these uses.

- 10. The use shall not be located within 500-feet of the property line of a residentially-zoned property.

The closest location, Crosspointe single-family subdivision, is just over 500 feet away.

- 11. The product offered for retail sales to Medical Marijuana Cardholders shall be inaccessible to the public entering the Medical Marijuana Dispensary. All product provided for retail sales shall be located behind a counter staffed by a Nonprofit Medical Marijuana Dispensary Agent as defined by A.R.S. § 36-2801 et seq.

The dispensary will only sell product to Medical Marijuana Cardholders that are inaccessible to the public and placed behind a counter staffed with a Dispensary Agent.

12. The Dispensary shall have operating hours not earlier than 8:00 a.m. and not later than 9:00 p.m.

The hours of operation will be daily from 8:00 a.m. to 9:00 p.m.

13. The Cultivation of Marijuana is prohibited.

No on-site cultivation is proposed.

14. Delivery services are prohibited.

The dispensary will not be making any deliveries.

15. Drive-through services and sales are prohibited.

The proposed site plan does not include a drive-through.

16. Alcoholic beverages shall not be sold, stored, distributed or consumed on the premises.

No alcoholic beverages will be sold, stored, distributed or consumed on the premises.

17. The Dispensary shall not have outdoor seating areas, but shall have adequate indoor seating to prevent outside loitering.

There is no outdoor seating proposed on the site plan. The dispensary will have seating in the lobby for up to 20 patients.

18. The business entrance and all window areas shall be illuminated during evening hours and shall comply with the City's lighting standards regarding fixture type, wattage, illumination levels, shielding etc.

The dispensary will utilize lighting in line with City standards.

19. The windows and/or entrances shall not be obstructed and must maintain a clear view into the premises during business hours.

The windows and/or entrances of the dispensary will not be obstructed and will maintain a clear view into the premises during business hours.

20. The use shall provide a plan to ensure that no consumption of Marijuana or any product containing Marijuana occurs on the premises of a Medical Marijuana Dispensary.

Marijuana consumption is prohibited on the premises. Signs will be posted on site, along with security personnel.

21. Tenant improvement plan shall ensure that ventilation, air filtration, building and design standards are compatible with adjacent uses and the requirements of adopted building codes.

The applicant will utilize all proper ventilation, air filtration, and building design according to the building codes adopted by the City of Peoria.

Section 14-39-12 of the Zoning Ordinance outlines the applicable criteria for evaluating Conditional Use Permits. In general, the purpose of a CUP is to mitigate any identified negative impacts on the surrounding neighborhood that may result from a specific use, and provide controls to ensure maximum compatibility between nearby land uses.

Compatibility With Surrounding Land Uses

The proposal meets all distance separations required for medical marijuana dispensaries, including separation from schools, day care centers, bars, taverns, liquor stores, substance abuse treatment centers, and residentially-zoned properties (Exhibit K). A list of all businesses located within 1,000 feet has also been provided (Exhibit L).

A second dispensary in the City creates an opportunity to better serve the citizens requiring this service, as Peoria has been identified by the ADHS as having the seventh (7th) highest number of Medical Marijuana cardholders in the state. The proposal will also utilize a vacant piece of land that contains an irregularly shaped utility easement, a wireless communications facility, and has no direct access to the two adjacent arterial roads. The proposed use is in character with the surrounding commercial uses located at each corner, which include two gas stations and a fast food restaurant.

If any issues arise regarding the operation of the business, Section 14-39-12.I of the Zoning Ordinance provides the Planning Manager with continuing jurisdiction over all Conditional Use Permits. This means that a permit may be revoked, modified, or suspended should any of the following occur:

- a. The permit was obtained by fraud or misrepresentation;
- b. The use authorized by the CUP has been exercised in violation of the conditions of approval.
- c. A change in circumstances where the following has occurred:
 1. Impacts from the approved CUP to neighboring properties; and
 2. Changes in aesthetic or environmental impacts such as noise, odors, or pollution.

- d. The use authorized by the CUP is operated in a manner that constitutes a nuisance to neighboring property owners, adjacent neighborhoods, or the City; or is exercised in a manner that is detrimental to the public health, welfare or safety.

COMMUNITY INVOLVEMENT

Outreach Requirements

The application was properly noticed pursuant to Section 14-39-6 of the Peoria Zoning Ordinance, which includes notification to all property owners within 600 feet of the site and registered HOA's within one (1) mile, posting a sign on the site, and placing an ad in the Peoria Times at least 15 days prior to the Public Hearing.

Support / Opposition

Opposition was received on June 20, 2016 from South Peoria Baptist Church (Exhibit M). The church is located approximately 390 linear feet away, property line to property line (Exhibit N) and is opposed to the use of marijuana and sees it as a 'pathway' drug. The applicant has made numerous attempts to meet with the church, but has been unsuccessful (Exhibit O).

Opposition was also received on July 25, 2016 from a representative of the Westgreen Townhouses Association (Exhibit P). The townhomes are located approximately 530 linear feet away, property line to property line (Exhibit Q). The opposition is outlined in Exhibit P, but the main concerns were the increase of crime and traffic in the immediate area due to the proposed use. The townhomes' representative was not able to attend the neighborhood meeting; therefore a special meeting was held at the townhomes' clubhouse on August 3, 2016, to include the representative, the applicant, and staff. A short video was played depicting business operations and security measures in use for an existing medical marijuana dispensary currently operated by the applicant. Information concerning trip generation in comparison to other commercial uses out-right permitted at the subject property was also discussed. By the conclusion of the meeting, the townhomes' representative was no longer opposed to the medical marijuana dispensary at the proposed location (Exhibit R).

Since the opposition was received within 21 days of the notice of application in accordance with Section 14-39-12.F a neighborhood meeting was required to be held by the applicant. The applicant provided notice for the neighborhood meeting in accordance with Section 14-39-6. The meeting was held on July 26, 2016, at the Peoria Public Library in the Willow conference room at 6:00 p.m. One member of the public was in attendance at the neighborhood meeting (Exhibit S). There was no opposition or concerns given by the public at the neighborhood meeting.

Proposition 207 Waiver

The voters of Arizona approved Proposition 207, which among other things requires municipalities to compensate property owners for actions which have the effect of

diminishing the value of property. The City Attorney's Office has drafted an agreement which waives the applicant's rights to future Proposition 207 claims against the City. Accordingly, the applicant has furnished a signed and notarized Proposition 207 Waiver.

STAFF RECOMMENDATION

Based on the following findings:

1. The request is consistent with the City of Peoria Zoning Ordinance and compatible with the uses in the surrounding area;
2. The proposal meets the Conditional Use Permit standards and complies with the use limitations for a Medical Marijuana Dispensary;
3. The application has been reviewed and approved by the Peoria Police Department;
4. The use will be located and will operate in a manner that protects the adjacent properties and businesses from nuisances and is consistent with a retail/service character of the area;
5. The use, in conjunction with the conditions of approval, will operate in a manner that will not negatively impact the adjoining uses; and,
6. The applicant/owner has submitted a signed and notarized a Proposition 207 waiver, which will be recorded with the conditions outlined below.

Staff recommends that the Planning and Zoning Commission take the following action:

Approve the applicant's request for a Conditional Use Permit under Case CU16-0009, subject to the following conditions:

1. The development and use shall substantially conform to the Project Narrative, Security Plan, Floor Plan, and Site Plan as contained in the staff report to the Planning & Zoning Commission dated September 29, 2016.
2. A formal Site Plan application is required, at which time additional revisions may be required. If revisions cause the site layout to no longer substantially conform to the site plan approved with this Conditional Use Permit (CUP), an amendment to the CUP will be required.
3. In accordance with Section 14-39-12.B.5 of the Peoria Zoning Ordinance (1977 Edition), the Conditional Use Permit will expire on March 29, 2018 if the use has not begun operating or a building permit has not been obtained.
4. The applicant shall secure any necessary security system and/or alarm system permits from the Peoria Police Department.
5. The use shall fully comply with all state and local laws and Arizona Department of Health Services regulations pertaining to medical marijuana dispensaries;
6. The applicant shall post a "No Loitering" sign on all sides of the building.

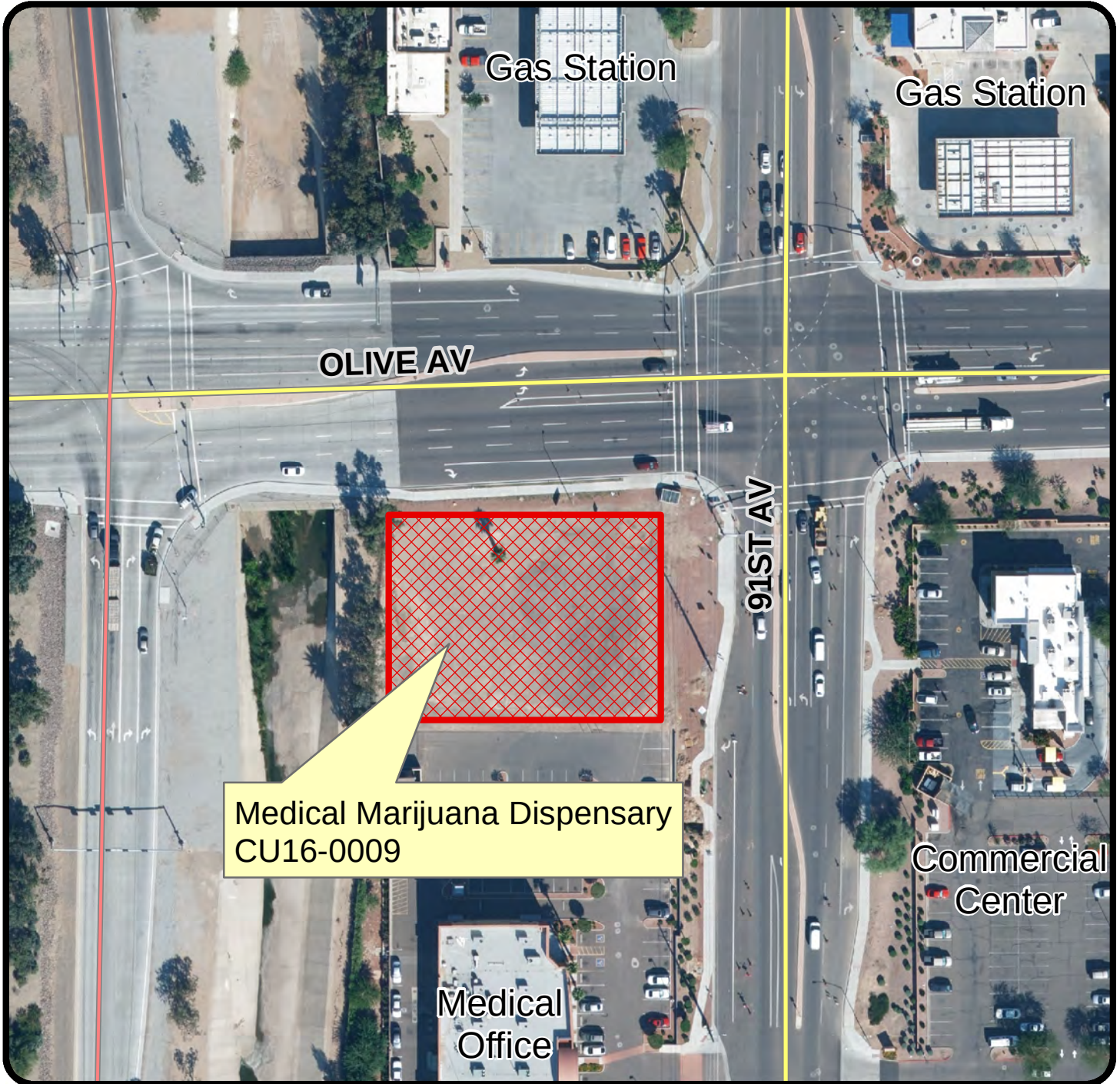
REPORT PREPARED BY

Jennifer Fostino
Planner
623-773-7565
Jennifer.fostino@peoriaaz.gov

ATTACHMENTS:

Exhibit A	Vicinity Map
Exhibit B	Zoning Map
Exhibit C	Previous Site Plan Approval
Exhibit D	Proposed Site Plan
Exhibit E	CHAA's Within Peoria
Exhibit F	Current Dispensary Location
Exhibit G	CHAA Priority List
Exhibit H	Floor Plan
Exhibit I	Project Narrative
Exhibit J	Security Plan
Exhibit K	Distance Separation Map
Exhibit L	Surrounding Business List
Exhibit M	Opposition – South Peoria Baptist Church
Exhibit N	Distance Separation Map – South Peoria Baptist Church
Exhibit O	Outreach Efforts to South Peoria Baptist Church
Exhibit P	Opposition – Westgreen Townhomes
Exhibit Q	Distance Separation Map – Westgreen Townhomes
Exhibit R	Retracted Opposition – Westgreen Townhomes
Exhibit S	Neighborhood Meeting Documentation

CU16-0009 Vicinity Map



CU16-0009 Medical Marijuana Dispensary

Applicant: Edward Judice

Request: The applicant is requesting a Conditional Use Permit for a medical marijuana dispensary.

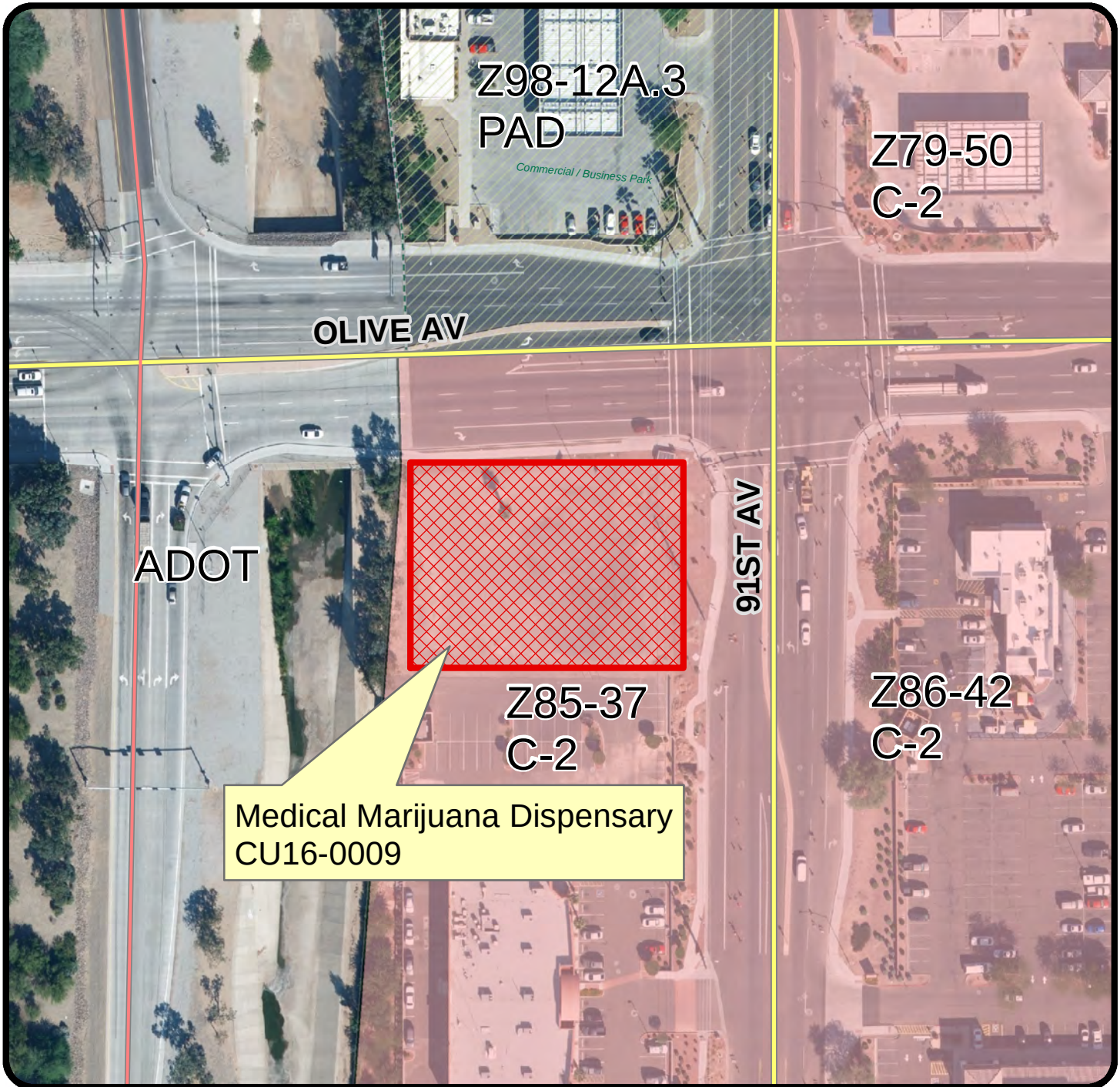
Location: The southwest corner of 91st Avenue and Olive Avenue.

Exhibit A



Not to Scale

CU16-0009 Zoning Map



CU16-0009 Medical Marijuana Dispensary

Applicant: Edward Judice

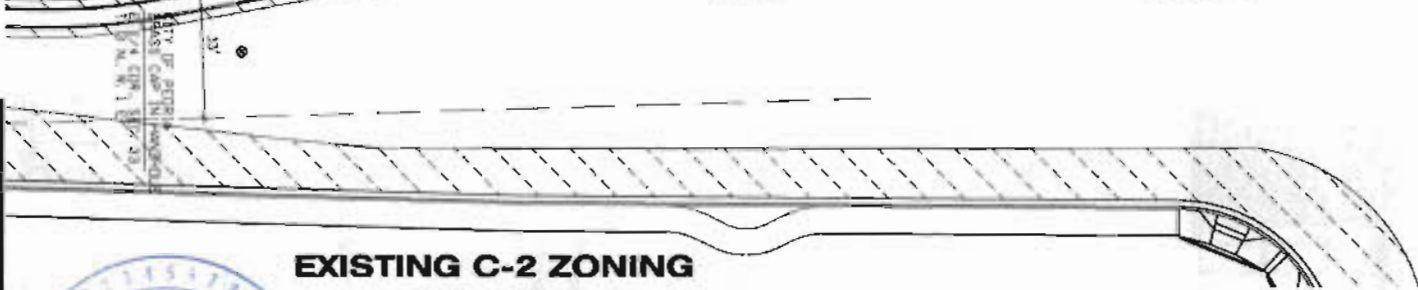
Request: The applicant is requesting a Conditional Use Permit for a medical marijuana dispensary.

Location: The southwest corner of 91st Avenue and Olive Avenue.

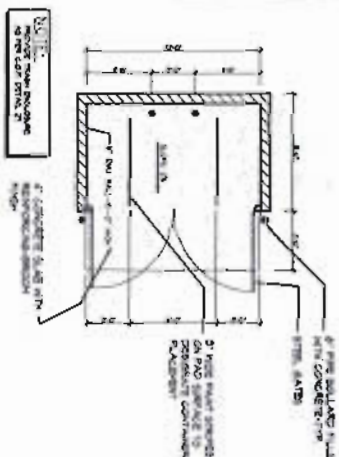
Exhibit B



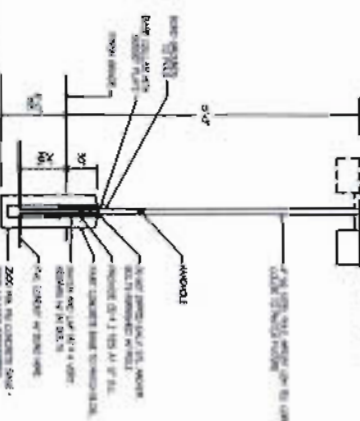
Not to Scale



(A) SINGLE TRASH ENCLOSURE



③ LIGHT POLE



PROJECT DATA

PARCEL NO.
OWNER:
ARCHITECT:
PROJECT CONTACT:
PROPERTY ADDRESS:
ZONING:
NET LOT AREA:
GROSS LOT AREA:
OCCUPANCY:
CONSTRUCTION TYPE:
PROPOSED USE:
PROPOSED BUILDING AREA:
LOT COVERAGE:
PROPOSED HEIGHT:
REQUIRED PARKING:
ACCESSIBLE PARKING NO.
STANDARD PARKING:
GUARDED PARKING:
CONFLICT PARKING:
LOADING SPACE:
VEHICLE MAINTENANCE PARKING:
TOTAL PARKING:
142-35-04-4
JACO II ENTERPRISES, L.L.C.
OWNER: MR. PETER GOLD
6070 E. DUNSTON LA. STE 10
SCOTTSDALE, AZ 85268-0584
JOHN I. PELA AND ASSOCIATES, INC.
2000 E. WILLOW AVE. SUITE A-100
PHOENIX, AZ 85034
PHONE: 602-493-0776
FAX: 602-493-5555
jpe@jpeassociates.com
CONTACT: FARIHAN KODI
2000 E. WILLOW AVE. SUITE A
PHOENIX, AZ 85034
PHONE: 602-374-7789
FAX: 602-789-3005
BOLD N. 45TH AVENUE
PHOENIX, AZ 85045
PERIOD C-2, INTERMEDIATE COMMERCIAL
0.803 ACRES MORE OR LESS
7.4447 ACRES, EQUAL TO
1.000 ACRES MORE OR LESS
OR IS SUBJECT TO EMINENT DOMAIN EXERCISE
BY THE STATE GOVERNMENT
RETAIL
6440 SQ. FT. RETAIL SHOP
1604 SQ. FT. LEASABLE
21.3 %
33'-0" MAX
1604-000000 276 SPACES
2 SPACES
12 SPACES @ 40' x 60'
14 SPACES @ 45' x 60'
6 SPACES
1 SPACE
20 SPACES
20 SPACES

LEGEND	
—	PROPERTY LINE
—	CENTER LINE
—	CHAIN LINK FENCE (CLF)
—	GAS BLUE STAKE LINE
—	ELECTRIC BLUE STAKE LINE
—	ROADS CAP BY HAND-PAINT
•	PROPERTY OR R/W CORNER
•	CALL FOR TITLE REPORT
•	NATIONAL COUNTRY RECORD
R/W	RIGHT-OF-WAY
EL	ELECTRIC BOX
⊗	TIRE HYDRANT
⊗	JUNCTION BOX
⊗	SILVER HANDLE
⊗	IRON
⊗	TRAFFIC POLE
⊗	TRAFFIC SIGNAL BOX
⊗	WATER VALVE
⊗	PAID VERGE
⊗	TREE
⊗	PALM TREE
⊗	VEGETATION MAINTENANCE
⊗	PARKING SPACE
⊗	COMPACT PARKING SPACE
⊗	POLE LIGHT - SEE DETAIL
⊗	EATCH PAINT TO INTERFERED
⊗	RETRIN
⊗	DRAINAGE DIRECTION ARROWS

DESIGN CONSULTANT
DESIGN • CONSORTIUM L.L.C.
CONTACT: FARHAN ROD
2830 EAST NORTH AVE. BLDG. A PHOENIX, AZ 85028
OFFICE: (602) 823-8700 FAX: 602-788-5855
EMAIL: farhan@dc-llc.net

Exhibit C

ARCHITECTURAL SITE PLAN

SCALE: 1" = 20'

20 10 0 20 40 60

SCALE IN FEET

PROJECT DESCRIPTION:

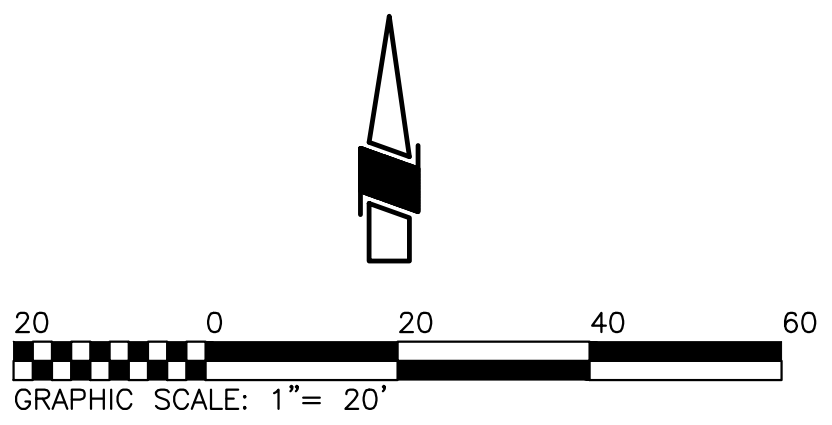
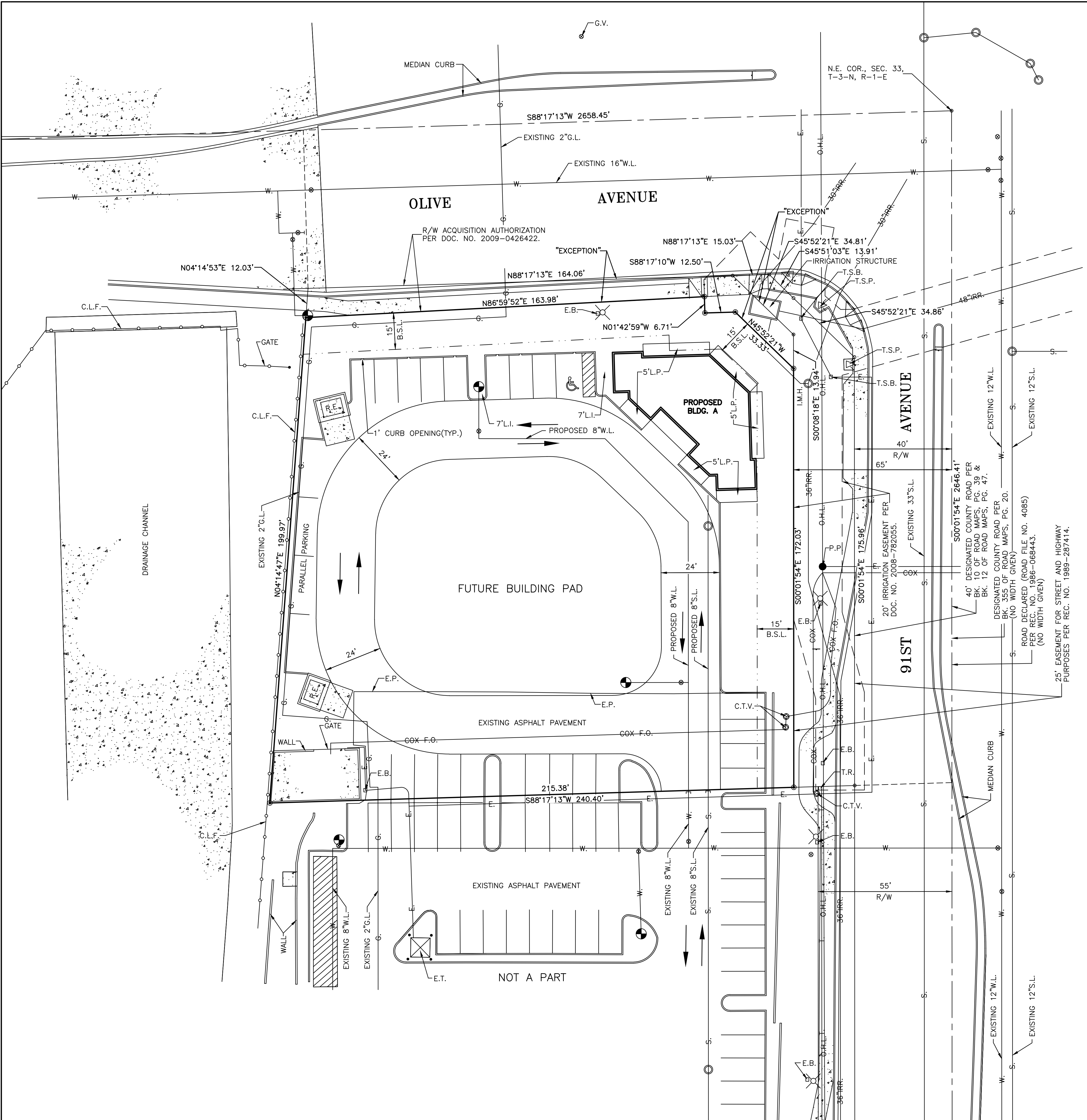


CLINE AVE
CLINE AVE

[illegible][illegible]

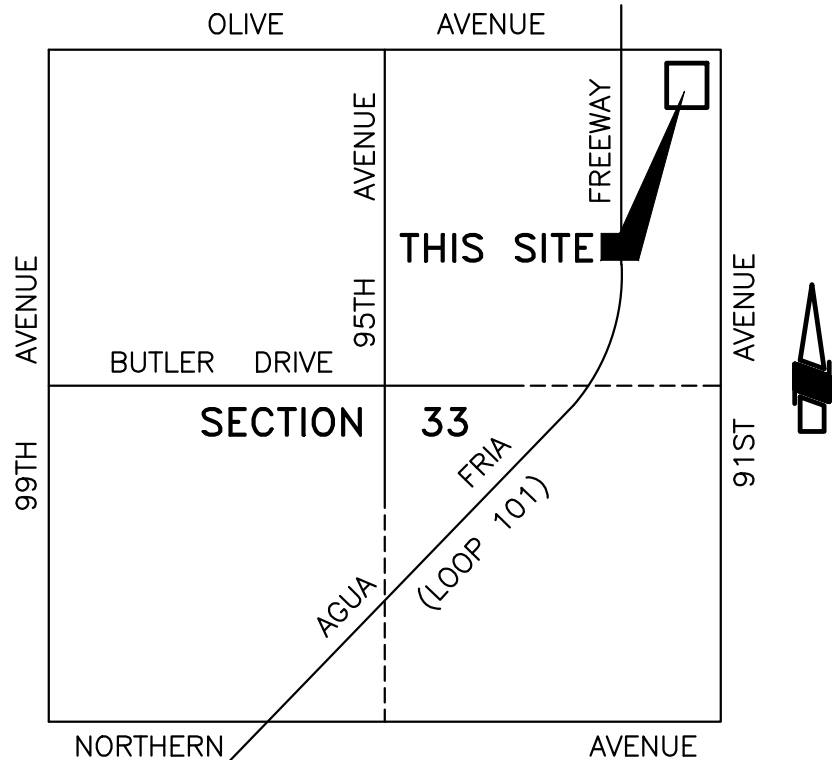
JOHN T. PELA & ASSOCIATES, INC.
ARCHITECT A.I.A.
 2930 East Northern Avenue Bldg A-100, Phoenix, Arizona 85028
 Phone: 602-923-8708 Fax: 602-783-5055
 Website: <http://www.jpelaarchitect.com>

PROJECT:
RETAIL PARK (PHASE II)
BY JADE II ENTERPRISES LLC
8920 N 91ST AVE PEORIA, AZ



CONCEPTUAL SITE PLAN

OF A PORTION OF THE NORTHEAST QUARTER OF SECTION 33,
TOWNSHIP 3 NORTH, RANGE 1 EAST OF THE GILA AND SALT
RIVER MERIDIAN, MARICOPA COUNTY, ARIZONA.
8970 N. 91ST AVENUE, PEORIA, ARIZONA, 85345



OWNER:

GOLD'S PLAZA, LLC:
8970 N. 91ST AVENUE
PEORIA, ARIZONA, 85345

APPLICANT:

NORTHERN RE HOLDINGS, LLC

DATA TABLE:

BUILDING: 2,000 S.F.
EXISTING ZONING: C-2
CUP# 16-0009
PARKING REQUIRED: 6 + 1 H.C.
PARKING PROVIDED: 26 + 1 H.C.
EXISTING BUILDING COVERAGE:
2,000 S.F./41,260 S.F.=4.85%

AREA:

ASSESSORS AREA: 45,058± S.F. OR 1.034± ACRES
NET: 41,260± S.F. OR 0.947± ACRES (MINUS 25' ESMT. FOR STREET
& HIGHWAY PURPOSES PER REC. NO. 1989-287414.)
GROSS: 74,873± S.F. OR 1.719± ACRES

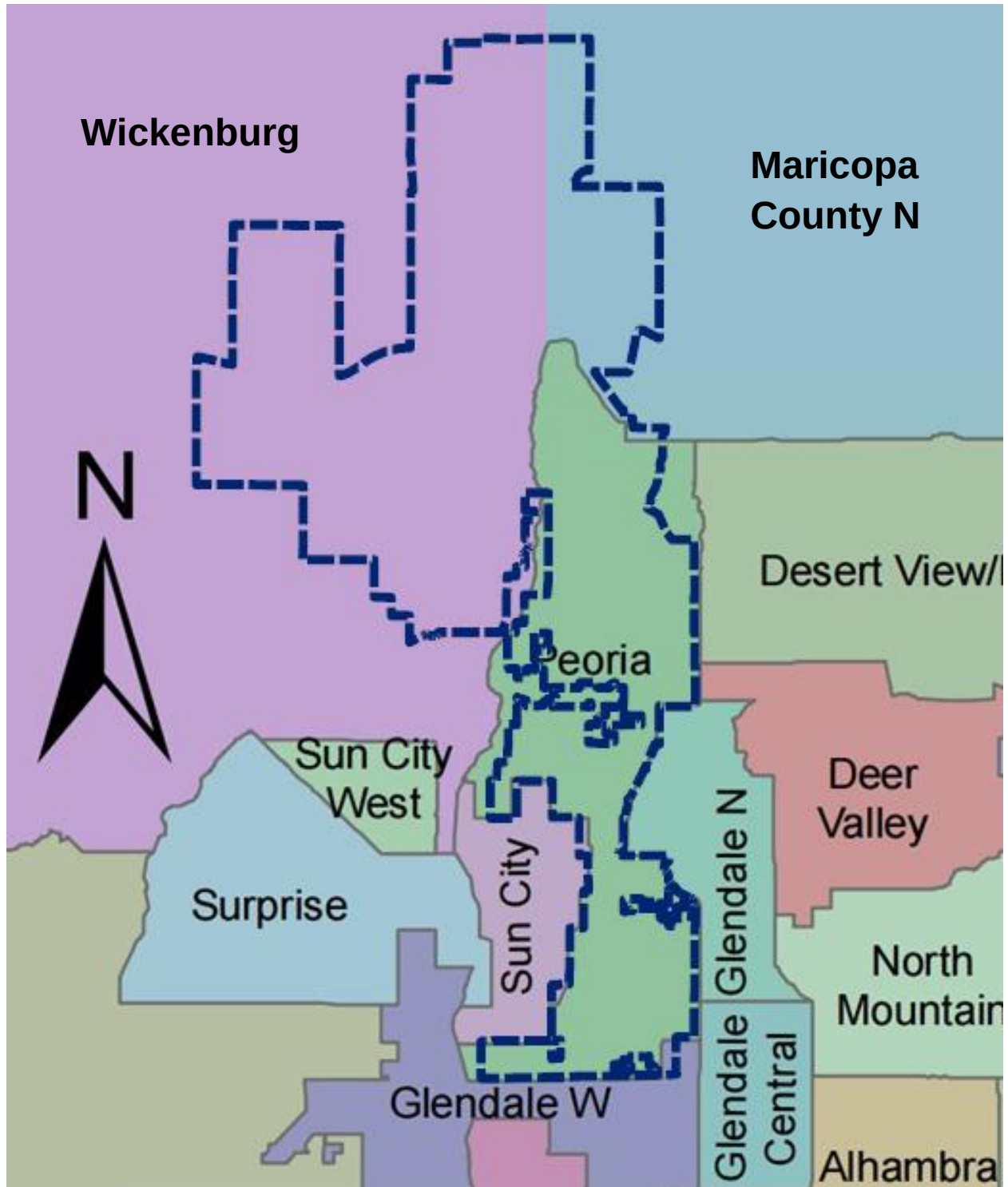
LEGEND:

- E.B. ELECTRIC BOX.
- E.P. EDGE OF PAVEMENT.
- C.T.V. CABLE TELEVISION RISER.
- T.R. TELEPHONE RISER.
- G.V. GAS VALVE.
- C.L.F. CHAINLINK FENCE.
- T.S.P. TRAFFIC SIGNAL POLE.
- T.S.B. TRAFFIC SIGNAL BOX.
- P.P. POWER POLE.
- I.M.H. IRRIGATION MANHOLE.
- E.T. ELECTRIC TRANSFORMER.
- R.E. REFUSE ENCLOSURE.
- B.S.L. BUILDING SETBACK LINE.
- L.P. LANDSCAPE PLANTER.
- L.I. LANDSCAPE ISLAND.
- G.L. GAS LINE.
- S.L. SEWER LINE.
- W.L. WATER LINE.
- F.O. FIBER OPTIC LINE.
- IRR. IRRIGATION LINE.
- E. ELECTRIC LINE.
- T. TELEPHONE LINE.
- C.F. CUBIC FEET.
- S.M. SEWER MANHOLE.
- L.P. LIGHT POLE.
- W.V. WATER VALVE.
- F.H. FIRE HYDRANT.
- S. SIGN.
- CONCRETE.

CALL TWO WORKING DAYS
BEFORE YOU DIG
263-1100
1-800-STAKE-IT
(OUTSIDE MARICOPA COUNTY)

RICK
ENGINEERING COMPANY
6150 NORTH 16TH STREET
PHOENIX, AZ 85016
602.957.3350
(PAX) 602.285.2396
rickengineering.com
Tucson - San Diego - Sacramento - Riverside - Orange - San Luis Obispo - Bakersfield
Phoenix
JOB NUMBER: 4755 PREPARED BY: J.A.E. DATE PREPARED: 8/16/16

Community Health Analysis Areas



— — — Peoria City Limits



Current Peoria Dispensary Location

Arizona Natural Selections



ARIZONA DEPARTMENT OF HEALTH SERVICES

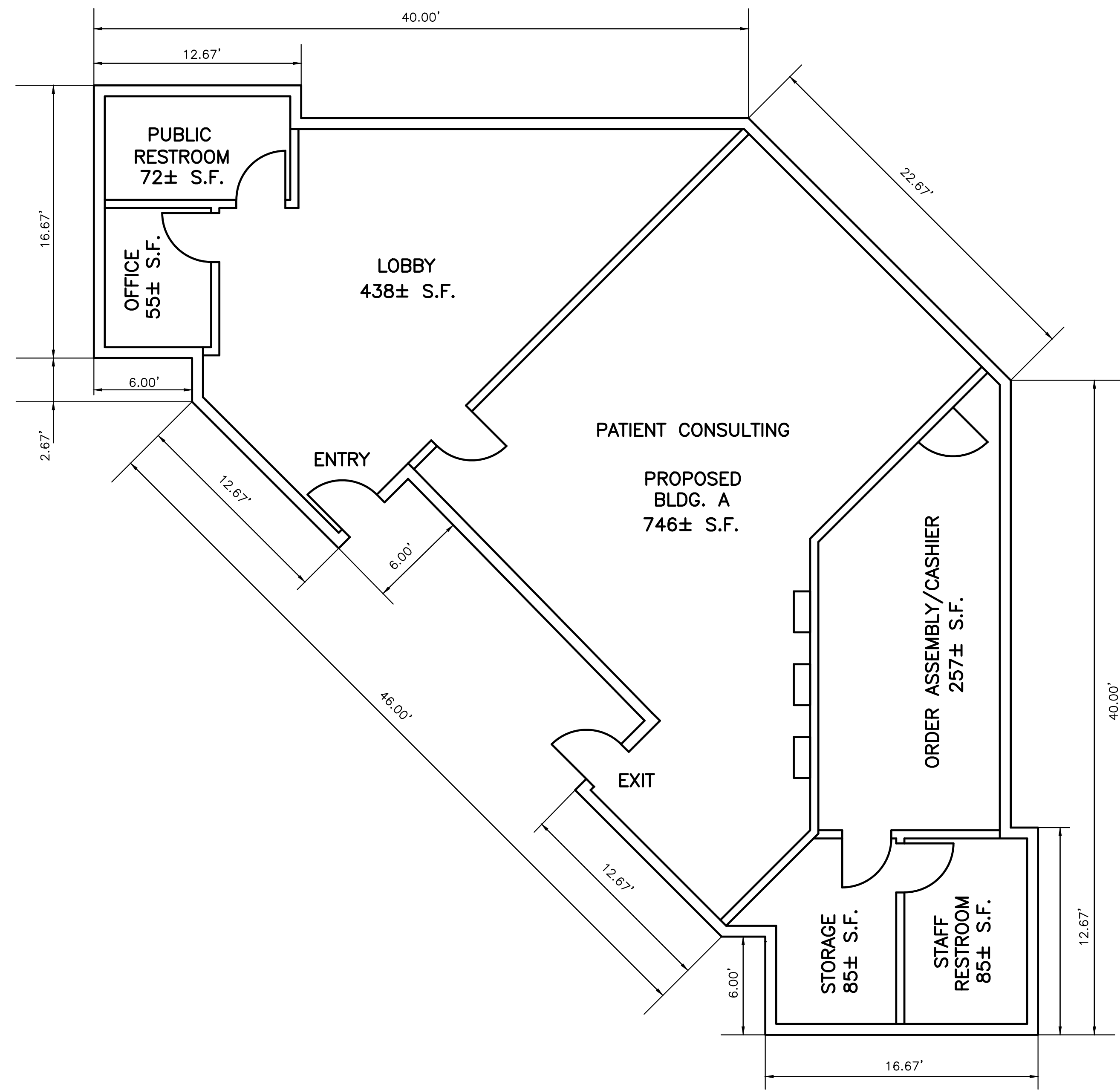
LICENSING

June 16, 2016

Top 31 CHAAs prioritized under [R9-17-303\(B\)\(2\)](#)

Rank	CHAA	CHAA ID
1	Paradise Valley Village	46
2	North Mountain	52
3	Deer Valley	44
4	Chandler SE	80
5	Scottsdale N	40
6	Camelback East	56
7	Peoria	41
8	Gilbert E	77
9	Mesa E	65
10	Scottsdale S	58
11	Surprise	47
12	Tanque Verde	106
13	Tucson NE	105
14	Tempe N	68
15	Mesa W	69
16	Tempe S	74
17	Maryvale	60
18	Alhambra	59
19	Yavapai Co. NE	26
20	Superior/Kearny	93
21	Chandler NW	79
22	Tucson E Central	109
23	South Mountain	71
24	Glendale N	45
25	Desert View/North Gateway	42
26	Mesa Central	70
27	Ahwatukee Foothills	78
28	Maricopa Co. W	51
29	Lake Havasu City	8
30	Mesa S	73
31	Apache Junction	92

Douglas A. Ducey | Governor Cara M. Christ, MD, MS | Director



FLOOR PLAN
SCALE: 1"= 5'

CONDITIONAL USE PERMIT APPLICATION NARRATIVE

8970 N 91ST AVE., PEORIA, AZ 85345

GENERAL DISCUSSION AND BACKGROUND

INTRODUCTION

This narrative is being submitted in conjunction with a Conditional Use Permit (sometimes referred to as “CUP”) to allow the operation of a medical marijuana dispensary on the parcel of land located at 8970 N 91st Avenue, Peoria, Arizona. This lot has been empty for a number of years looking for a suitable occupant, and this use would be beneficial not only for the use of the land, but also for the City of Peoria as well as its citizens.

Northern RE Holdings LLC (“Northern”) has contracted to lease space in the future development of the vacant parcel of land located at 8970 N 91st Ave., Peoria, Arizona 85345 (the “Subject Parcel”). As part of that agreement, the owner of the land will develop the parcel, including a space for Northern’s operation of a medical marijuana dispensary. The proposed development includes plans to build a 2,000 square foot building on the Northeastern corner of the property for occupancy by Northern. Northern’s lease makes the entire project economically feasible for the developer, and therefore the grant of this CUP is a prerequisite to the development going forward.

The use of a portion of the Subject Parcel as a dispensary is harmonious with the surrounding uses and the City’s General Plan. The Subject Parcel is located on the Southwest Corner of Olive Avenue and N 91st Avenue, which lies within a Community Commercial Land Use zone. The General Plan defines this zone as:

COMMUNITY COMMERCIAL (CC) Denotes areas where commercial development that is more intense than that of neighborhood commercial areas may take place in the form of large-scale retail buildings and shopping centers that serve a market radius of generally 3 - 5 miles. Community Commercial areas rely on larger trade areas and typically have a wider variety of goods and services than neighborhood shopping areas and should be located with adequate controlled access to arterial streets. Community Commercial centers should coincide with adequate affordable housing accessible to the center to supply housing for employees.

This request is in keeping with the goals for a Community Commercial zone. This type of use is well suited to more heavily developed commercial areas which makes it accessible to patients seeking this product, but keeping it separated from residential and family uses. The Community Commercial zone would appear to perfectly embrace this use.

Further, the request is in keeping with the general goals of balancing employment opportunities with residential uses, and preserving resources and community character. The proposed dispensary would offer high quality employment and there will be between 15 and 20 jobs created for people from Peoria (not to mention jobs created by construction and the full development of the parcel). Because the Subject Parcel is located at the corner of two arterial streets and adjacent to Highway 101, the site is accessible for employees and customers without putting any undue

strain on existing transportation infrastructure. This results in a preservation of city resources and directs traffic away from less well served areas. Additionally, with the development surrounding the Subject Parcel, the request for the CUP is in harmony with the character of the area.

The Subject Parcel is currently a vacant dirt lot with no improvements, except for a cellular phone antenna in the Southwest corner of the property. The Subject Parcel has a very large and irregularly shaped water utility easement which makes developing the lot problematic. This easement has undoubtedly contributed to the Subject Parcel remaining vacant for so long. Because a dispensary is already limited to a certain size by the Ordinance, the construction of such a relatively small commercial building on the property becomes feasible for such a use. This unique condition of this property makes the dispensary use one of the few viable development options for the Subject Parcel.

The Subject Parcel is the last remaining empty parcel at this intersection. It has been vacant for an inordinately long period of time, and its uses are somewhat limited. However, the requested CUP would allow for a use that is in keeping with the character of the area and allows a business that will put this piece of land to use. Currently two of the corners of the intersection are occupied by gas stations and there is a McDonald's restaurant on the third corner. Each of these uses is a transient commercial experience where customers are only there for a short period of time. The proposed use would follow the same pattern.

Specifically, it appears that the Subject Parcel also meets the criteria of the Peoria Zoning Ordinance pertaining to medical marijuana dispensaries. These well considered zoning regulations were designed to make sure that the location of such businesses were compatible with the surrounding area, subject to the approval of a CUP. In each direction along the major arterial streets, there are no businesses or uses which are incompatible with this retail use. Moreover, with the sign and advertising restrictions created by the Ordinance, it is unlikely that anyone who does not already know what the business is will even know it is a dispensary.

It is worth mentioning that Medical Marijuana Dispensaries follow strict security rules as imposed by the State and by the City of Peoria. Dispensaries do not allow use of product on the premises, and have strict rules against loitering. The experience has been that patients come to the dispensary, make their purchases, and then leave the area to go home. Providing this access to those patients who have received a doctor's recommendation is in keeping with the development zone, the zoning, and is compatible with the other businesses in the area.

The preliminary plans for the property are attached to this narrative. However, in short, the plan is to build a 2,000 square foot building on the Northeast corner of the property with a separate larger mixed use type building to the Southwest of the water utility easement in the future. Parking would be on the Southern and Northern edges of the property. The lot is relatively flat so drainage would be engineered in such a way as to control runoff from any impervious surfaces. There is an existing access easement for the Subject Parcel so that ingress and egress would be to the south of the intersection of N 91st and Olive Avenues.

PROJECT DETAILS

Summary

Hours of Operation:	Monday through Sunday, 8:00 a.m. to 9:00 p.m.
Number of Patient (At Once):	Approximately 15 at Peak, 5 at Off Peak
Expected Daily Patients:	150
Waiting Area Capacity:	15 to 20
Air/Odor Filtration:	Activated Carbon Filters, as needed. All saleable product is pre-packaged off-site. There will be no emission of dust, fumes, vapors, or odors into the environment from the premises.
Refuse Disposal Method:	Everyday trash will be collected in an on-site dumpster for removal. Saleable product is pre-packaged in sealed units, so there is no marijuana waste expected. Any unsaleable units are returned to source for disposal. Such transport will be in accordance with A.A.C. R9-17, and will be done in an unmarked vehicle by a registered dispensary agent carrying a manifest listing all products to be returned and a trip plan back to the original source.
Operation Policy:	All product is stored and accessible only to state-certified staff. All product is pre-packaged so patients do not have access to saleable products until the point of sale. Use or loitering is strictly forbidden on the premises.

HOURS OF OPERATION

The City of Peoria Ordinance allows for operation between the hours of 8:00 a.m. and 9:00 p.m., Monday through Sunday. Patient access is one of the key concerns of the dispensary, and patients can be best served when they have ample time to access the dispensary. Maximizing the operating hours of the dispensary allows patients to have such access. Additionally, being open during these hours maximizes the time that staff is present and lessens the opportunity for theft.

PATIENT NUMBERS

Patient visits to the dispensary are usually short, lasting less than ten (10) minutes each. However, each patient has the opportunity to consult with staff members who can help them select the products that will provide the most benefit for their medical condition, and those visits are typically longer in duration. During the course of a week, the average patient count in the dispensary at one time is approximately five (5). However, there will be peak times when this number will be higher.

During the normal course of a week, the highest number of patients in the dispensary at any one time would be fifteen (15), but this is rare.

The design of the dispensary will be intended to create the shortest wait times possible, which means that the dispensary will have the capacity to serve between five (5) and eight (8) patients at one time during peak periods. After checking in, patients will be served in the Patient Consultation Room, where they can view products for sale, ask questions and get advice on the use of medical marijuana. The Patient Consultation Room is the only part of the dispensary where the public will be in the presence of medical marijuana (but, only those people who have valid Medical Marijuana Registry Cards. In addition, waiting space for between fifteen (15) and twenty (20) people will be available.

AIR AND ODOR FILTRATION

The dispensary plans to employ a standard Heating and Air Conditioning ventilation system which will circulate and filter the air in the dispensary, within acceptable air exchange rates. The dispensary will not have open saleable product. The dispensary's products are all packaged off-site and come in sealed plastic or Mylar bags which eliminates the odor associated with the product. Additionally, patients are not allowed to open products in the store. Inside the building, the odor of any products would be barely noticeable, and outside the building, there is virtually no odor whatsoever. There will be no emission of dust, fumes, vapors, or odors into the environment from the premises.

REFUSE DISPOSAL

A dispensary operates like any other business and will generate a small amount of trash which needs to be disposed of. However, the dispensary does not dispose of any product. All product at the dispensary is pre-packaged and will be sold off during its shelf-life period. Therefore, there is no product to dispose of in the trash. In the event that there was product that needed to be disposed of, the packaged product would be returned to its source (off-site) where it would be rendered inert and disposed of according to that facility's protocol. Such transport will be in accordance with A.A.C. R9-17, and will be done in an unmarked vehicle by a registered dispensary agent carrying a manifest listing all products to be returned and a trip plan back to the original source. Because no production takes place at the dispensary and the product is pre-packaged, there will be no byproducts. Additionally, because inventory is limited to what is needed for the next few days of sales, there will be no expired product.

BUSINESS OPERATION POLICIES

Product Storage. Storage of product is maintained in a closed locked area of the facility that can only be accessed by management personnel. This area has additional safeguards including steel doors, reinforced walls, and a floor safe. Additionally, storage areas contain cameras and at least one panic button. The storage area (as well as the whole dispensary) is protected by a monitored alarm system and HD cameras with 60 day video storage. There is no product stored in an area where patients can come into contact with it. A constant inventory of all products at the dispensary is kept and verified with frequent physical counts that are reconciled against the inventory records

of the dispensary and reported to the Arizona Department of Health Services (“AZ DHS”) which regulates the dispensary. Using separation, monitoring, and reconciliation of inventory ensures that all product is safely maintained and there is no loss or theft.

Sales. Product sales are all conducted by state-registered dispensary agents, all of which must clear background checks with fingerprints submitted to AZ DHS. Patients do not come into direct contact with the saleable product. Rather, they place an order with a dispensary agent, and then the order is assembled and is packaged in non-descript opaque packaging prior to leaving the dispensary. Finally, the patient does not take possession of the product until they have paid, and then they leave the dispensary. All sales are video recorded and the recording is kept for at least 60 days.

For illustration, when a patient comes into the facility, they are required to check in which involves checking to make sure they have a valid Arizona Department of Health Services Medical Marijuana Patient Registration card, checking their Arizona issued License or Identification Card (or U.S. Passport). Their Medical Marijuana Registry card is also checked against the state’s database to make sure that the patient’s card is current and the patient has sufficient allotment to purchase medicine. There is no medical marijuana in this space. If a patient is accompanied by a helper or caretaker, that person may wait in the lobby. The patient would then go to the Patient Consultant room to meet with a patient consultant. At that point, they would be able to look at the various products offered for them to get their medical marijuana. There is no sampling or use allowed, and only small amounts (one gram or less) of any particular product are on display. The patient would then make their order, which would then be assembled separately. The patient would then pay, and be given their medical marijuana products in a plain unmarked bag. Inside the bag, all products are in separate sealed packages. From there, the patient would leave the building and the premises. The dispensary will strictly prohibit and enforce a no loitering and no use policy as detailed below. All steps in the process are captured on the video system for the premises, which keeps the recordings for sixty (60) days. Additionally, a security guard will be posted by the door at all times the dispensary is open for business.

There will be limited ancillary sales of products designed to aid in the administration of the medical marijuana. This includes items such as grinders, lighters, electronic vaporizer pens, and similar delivery methods. There are no plans to sell items, such as water pipes, which are typically found in “smoke” shops. Medical marijuana is offered in its natural plant form, as well as preparations made from the marijuana plant, including infused edibles, topical lotions, balms, and oils.

On-Premises Use Prevention. On premises use of the product is prevented using several methods. First, the dispensary has strict rules against on-premises use which are clearly posted and all patients are made aware of. If a patient violates these rules, then they are no longer allowed to make purchases from the dispensary and may lose their cardholder privileges from AZ DHS. Second, the dispensary has strict rules against loitering inside and outside the dispensary and is required by AZ DHS to post signage and to enforce this policy. It is then easy to see anyone who might be getting ready to use the product on the premises and then direct them to leave. Each of these rules and policies are backed up by video camera surveillance a record of which is kept for 60 days, allowing for further review and enforcement if a problem arises. The dispensary will also

have a security guard who will be responsible for monitoring the exterior of the building and making sure no one is loitering or using product on the premises.

Video Cameras. Based on the final layout of the building, the number of cameras may be adjusted. However, as required by Arizona regulations there will be sufficient camera coverage to show any activity taking place in every room of the facility. Additionally, there will be cameras covering the entrance and the outside walls of the building, as well as the parking lot. The cameras will record 24-hours per day. The applicant has installed thirty-two (32) cameras in its 2,000 square foot affiliated medical marijuana facility in Phoenix. These cameras provide more than adequate coverage and are in excess of what is required by the Department of Health Services.

Number of Employees. The number of employees present at any one time will range from eight (8) to fourteen (14) depending on the staffing needed to serve patients.

Accessibility to Non-Cardholders. Non-cardholders are not allowed in the dispensary except in situations where they are serving as a helper or caretaker to a cardholder. Regardless, non-cardholders are allowed only in the designated waiting area.

Illumination. The business entrance and all window areas shall be illuminated during evening hours and shall comply with the City of Peoria's lighting standards regarding fixture type, wattage, illuminating levels, shielding, etc.

Doors and Windows. The windows and/or entrances of the dispensary shall not be obstructed and must maintain a clear view into the premises during business hours. No medical marijuana product will be visible from the outside of the building.

Access to Medical Marijuana. All of the products offered for retail sale to Medical Marijuana cardholders shall be inaccessible to the public entering the dispensary. All product provided for retail sales shall be located behind a counter staffed by a Nonprofit Medical Marijuana Dispensary Agent as defined by A.R.S. § 36-2801, et seq.

Signage. Signage for the dispensary will be limited to the name of the business only and no advertising of the goods or services will be done on the building.

FACILITY LICENSING

The Subject Property is located within the Community Health Analysis Area number 41 which the Arizona Department of Health Services has named the Peoria CHAA. Geographically, the Peoria CHAA is one of the larger designated CHAAs. Additionally, its narrow yet tall shape gives it one of the longest distances from end to end for any urban CHAA. Additionally, the Peoria CHAA's patient density is one of the highest in the state. The Peoria CHAA is listed as number 7 on the list of CHAAs receiving priority for a new license, which was issued by the Arizona Department of Health Services on June 16, 2016. This means that as of the record date used by the Department, the Peoria CHAA had the seventh highest number of patients of living there of all the CHAAs in the state. Because of its patient density, the Department of Health Services intends to issue an additional license to a site within the Peoria CHAA.

The applicant will be applying for a new license to be issued by the Arizona Department of Health Services for the Peoria CHAA. As an affiliate of an experienced operator within the State of Arizona, with four currently licensed locations under its management, the applicant has the requisite skill, staff, infrastructure, and capital to obtain such a license. This would include a new Dispensary Registry Certificate for this location. Prior to opening, the site would also have to meet all of the State requirements prior to receiving an Approval to Operate from the Department of Health Services. In the alternative, the applicant would move its currently operating dispensary located in the town of Oracle to this location. That dispensary operates under Dispensary Registration Certificate number 00000020DCGM00200033 (a copy of the Dispensary Registration Certificate is attached). This dispensary has operated without incident since it opened. Under the Department of Health Services' rules, this dispensary became eligible to be moved to another location within the state in August of 2015.

ANTICIPATED CONSTRUCTION

Construction for this project shall be accomplished as quickly as possible. Once all site planning and permits are approved, the applicant anticipates immediately beginning construction. Plans for the building have not been completed at this time and are contingent on the approval of the CUP. Plans are expected to take three (3) weeks to complete after approval of the CUP, and will then be submitted for approval. Ideally, site preparation should take one (1) month followed by two (2) to three (3) weeks for the foundation. Construction of the building itself is expected to take six (6) weeks. Once the building has been "dried in", electrical, mechanical, and plumbing can proceed simultaneously and are expected to take two (2) weeks. Life safety, fire, and security systems can be installed simultaneously with the preceding services. Drywall and paint will be completed in two (2) weeks, followed by flooring and finishes which should take two (2) weeks. Site paving and preparation of the parking lot can be carried out simultaneously with interior work at the space and is expected to take two (2) weeks. This tentative schedule does not take into account delays for unexpected site conditions, or inspections and corrections.

CONCLUSION

In summary, this is a highly regulated and secure use which is consistent with the General Plan and that meets all of the City's strict zoning requirements. It will be professionally run, strictly regulated by AZ DHS and will provide a valuable and needed service to the medical marijuana patients in the City. Furthermore, granting this CUP will enable development of a long vacant and challenging parcel that is otherwise likely to remain vacant for the foreseeable future.

SECURITY MANAGEMENT PLAN (Revised)**8970 N 91ST AVENUE, PEORIA, ARIZONA 85345****1. Written Program (Program Requirements, components, management structure)**

This Security Plan is designed to meet or exceed the requirements as set forth in A.A.C. § R9-17-318 and the ordinances of the City of Peoria. To address the security requirements for a dispensary, the applicant will take the following steps:

a. Applicant will install sufficient Security equipment to deter and prevent unauthorized entrance into limited access areas. Such equipment will include, but is not necessarily limited to:

1. A monitored alarm system using either wired or wireless detectors that will, when the system is armed detect and alert to the opening of any door, or the occurrence of motion within the premises. Such system will be monitored by a recognized off-site alarm company and will include notification to law enforcement in the event that the alarm is triggered. The alarm system will also provide for immediate automatic or electronic notification to alert local law enforcement agencies of an unauthorized breach of security at the medical marijuana establishment in the interior of the dispensary.

2. Lighting will be installed on the outside of the building to provide sufficient illumination for all surveillance cameras to produce clear images of any point along the perimeter of the building. Such lights will be adjusted as needed. Such lighting will meet or exceed the requirements of the City of Peoria.

3. A video monitoring system will be installed throughout the interior and exterior of the building so that activity in each room within the building is covered. Any room in which medical marijuana is to be handled will have sufficient cameras such that all activity within the room is covered. Cameras will also be installed to cover all entrances and exits from both the inside and outside. Additionally, cameras will be installed along the perimeter of the building so that each side of the building can be seen. The surveillance system shall also meet the following criteria:

- Sufficient monitors at least nineteen (19) inches in size capable of displaying multiple camera displays at one time or switching to a larger view.
- A method of printing which will allow for the immediate production of a clear still photo from any video camera image.
- All video cameras shall have a resolution of at least 704 x 480 pixels.
- Approximately thirty-two (32) cameras will be installed, with sufficient coverage to meet or exceed regulatory requirements.
- Cameras will record all activity, twenty-four (24) hours per day.
- Applicant will install and maintain sufficient digital video recorders (DVRs) to record and store at least sixty (60) days of video from all cameras.
- The video camera system will be equipped with an audible and visual notification system which will alert the staff to any equipment failures.

- Each video camera system and DVR will be connected to a power supply with sufficient battery back-up such that in the event of a loss of power, the system can continue to run uninterrupted.
- In addition to the general coverage of the building, the security camera system will cover and identify any activity in or adjacent to all of the following areas:
 - all entrances to and exits from limited access areas
 - all entrances to and exits from the building
 - each point-of-sale location which allows for the identification of any person who holds a valid registry identification card or his or her designated primary caregiver purchasing medical marijuana

4. Applicant will also provide for a system of “panic buttons” linked to an off-site alarm company that will provide for the immediate electronic notification of law enforcement in the event of an emergency. Panic buttons will be installed as provided for in the included Handbook.

5. A security guard will be stationed at the main entrance during all hours of operation of the dispensary. All security guards will be licensed and duly bonded security personnel registered pursuant to A.R.S. § 32-601.

6. Transportation Security Measures will be implemented in accordance with the requirements

b. Policies and Procedures. As an additional security protocol, Applicant has adopted policies and procedures for access to certain areas of the medical marijuana establishment. These policies are set forth in the attached Handbook and generally cover the following:

1. Access to the areas of the medical marijuana establishment that contain medical marijuana is restricted to persons authorized to be in those areas only. Those areas that contain medical marijuana will require either special keys or electronic passes that are distributed only to those who need access to those areas and only while those persons are on duty. At the end of each shift, any access device will be returned to the manager on duty at the end of that person’s shift. Staff will not be allowed to take any access device outside of the building.

2. Each person authorized to be in the areas of the establishment that contain medical marijuana shall at all times they are on duty wear a badge identifying them as an Arizona Department of Health Services Registered Dispensary Agent.

3. Neither staff, patients, nor the general public shall be allowed to loiter in or around the dispensary premises. It shall be the duty of the dispensary’s security personnel to ask anyone who is loitering to leave the premises. If such person does not leave the premises on request, then law enforcement shall be notified. If the person in question poses a risk to the safety of anyone else on the premises then the panic button system will be used to notify law enforcement so as not to create a confrontation.

4. All staff shall be advised of the electronic monitoring of the premises. Additionally, there shall be signs on the exterior and interior of the building notifying anyone around or in the building that the premises are under electronic monitoring. Patients will also be advised in writing that the premises are being monitored electronically. It shall be the duty of the manager on duty to verify that the electronic monitoring system is functioning properly. Additionally, at least daily, the manager shall spot check to make sure that the system is recording properly.

5. As stated above, the building shall be outfitted with panic buttons at critical locations throughout the building, as well as person panic buttons that may be worn by staff working directly with patients. These panic buttons will provide for the automatic or electronic notification to alert local law enforcement agencies of any breach of security at the medical marijuana establishment.

2. Physical & Procedural Security Measures.

a. Physical Security Measures are covered in Section I of the attached Handbook which is included as a part of this Security Management Plan. Physical Security Measures will include, but not be limited to the following:

- Electronic Surveillance System covering the interior and exterior of the building.
- Automatic or electronic notification of authorities by alarm, activation of fixed panic button, or activation of panic buttons worn by a staff member.
- All restricted areas shall be kept locked at all times, and access will require a key (or other means of access such as a key card, RFID, key fob, or similar access control).
- All medical marijuana will be kept in a restricted area up until the point it is dispensed to the patient.
- All exterior doors will be reinforced steel. Any windows will be covered with reinforced steel bars.

b. Procedural Security Measures are covered in Section I of the attached Handbook which is included in this Security Management Plan. Procedural Security Measures will include, but not be limited to the following:

- All staff will be required to have badges identifying them as Registered Dispensary Agents and the areas to which they have access.
- Entry into the facility shall be controlled via security staff and video monitoring.
- Entrances and exits that are not monitored or attended must remain locked at all times. Doors must not be propped open.
- Staff with access to restricted areas must not allow unauthorized individuals access to those restricted areas and should report to management any unidentified persons who have gained, or seek to gain access.
- A current Access Worksheet which describes the access allowed for each staff member.
- A log of staff who have been given a key, key card, or access code that gives them access to Facilities or areas where medical marijuana or electronic data is maintained. This log must be updated when staff leaves or work functions change.

- A log of non-Dispensary persons, including patients, who need regular or recurrent access to areas or Facilities where medical marijuana or electronic data is maintained. Logs should include name of person, date, purpose of access, and any other relevant details.
- A log of physical access by individuals performing maintenance services, when feasible. Logs should include name, date, materials brought into the facility and materials removed, and other appropriate details.

3. Security Inspections. The dispensary shall have a security officer who will be responsible for performing monthly checks of all security systems and documenting these checks. The security officer will report to the dispensary manager any deficiencies with any system. Annually, the dispensary will have an outside consultant review the security plans of the dispensary to make sure that they are in compliance with all applicable codes and rules. Any time that there is a physical change to the building, the security officer will review all security measures to make sure that no additional security measures are needed.

4. Security Risk Assessments. The following security risks have been identified:

- Any windows in the patient waiting area that will be selected to remain, will be covered with security bars on the exterior to provide further protection.
- All doors present a possible risk. All doors will be security type doors, with appropriate alarms, sensors, and camera coverage.
- Restricted Areas where medical marijuana will be kept. These areas will be kept locked at all times. The walls to these rooms will be reinforced, and the room will have additional electronic -security features such as digital access key fobs.

5. Vulnerable Security Areas

Windows. Steel reinforced bars or other similar security measures for all windows.

Doors. Access to the dispensary will be through a single locking entrance. However, where life and safety codes dictate additional doors, these will be reinforced security doors which will stay locked from the outside at all times.

6. Restricted Areas. See Section I.3 below for details.

7. Employee Policies relating to security. See, Section I below.

8. General Access to Premises. See, Section I below.

9. Sign-in, sign-out, keys, access, passes and badging policy. See, Section I below.

10. Policy for access by Local Law Enforcement Agencies.

- During business hours, Law Enforcement may have access to the premises as needed with verification of their credentials upon entry into the building. Law Enforcement are some of a dispensary's most important allies and tours and information will be available to Law Enforcement upon request.

- Outside of business hours, there will at all times be a member of management available to provide access to Law Enforcement upon notice. Law Enforcement will be informed of how to contact this person using the best methods available.

11. Access Controls. See, Section I below.

12. Personnel Monitoring Measures. See, Section I below.

13. Security Force Standards, Requirements and responsibilities

14. Review & Evaluation of security system/policies. See, Section I, below.

15. Specifications for Surveillance System. See 1.a., above; Section I, below.

16. Locations of surveillance cameras and coverage areas. See, Rendering under this Tab.

17. Safety policies. See, Section I below.

SECURITY HANDBOOK FOR DISPENSARY

Security

I.1 Facility Access Control Policy

I.1 Purpose

To establish policy and procedures to limit physical Access to facilities and electronic Information Systems and to protect Facilities where medical marijuana or electronic information is stored from unauthorized physical access, tampering, and theft.

I.2 Policy*

Dispensary staff members must protect their facilities and data by controlling and monitoring physical access to their sites. The dispensary must continually develop and implement procedures designed to control and monitor Access to their Facilities that maintain electronic data of medical marijuana.

I.3 Procedure

- A. Dispensary management shall establish Facility access control procedures that must include, but are not limited to, requirements to maintain the following:
 1. A current Access Worksheet which describes the access allowed for each Dispensary staff member.
 2. A log of staff who have been given a key, key card, or access code that gives them access to Facilities or areas where medical marijuana or electronic data

is maintained. This log must be updated when staff leaves Dispensary or work functions change.

3. A log of non-Dispensary persons, including patients, who need regular or recurrent access to areas or Facilities where medical marijuana or electronic data is maintained. Logs should include name of person, date, purpose of access, and any other relevant details.
 4. A log of physical access by individuals performing maintenance services, when feasible. Logs should include name, date, materials brought into the facility and materials removed, and other appropriate details.
- B. Dispensary's Security Officer, with the assistance of the Dispensary administration, shall periodically review physical security of any site containing medical marijuana or electronic data, especially after any significant change that may affect the security of facilities and/or data at a particular site.
- C. Required access control procedures must include the following:
1. Entrances and exits that are not monitored or attended must remain locked at all times. Doors must not be propped open.
 2. Staff with access to restricted areas must not allow unauthorized individuals access to those restricted areas and should report to management any unidentified persons who have gained, or seek to gain, access.
 3. When practicable and in all cases where required by regulation, all entrances, exits, windows, strategic areas of the building, and other means of Access into the building should be alarmed, monitored, and/or covered by a security camera (see section I.6 for detailed information).
- D. Safe Room – A Safe Room is a restricted area devoted to storage of Medical Marijuana. Dispensary shall restrict access to any Safe Room located in their Facilities to authorized persons only and shall log or video record all such access.
- E. Network Wiring/Communications Closets – These locations house network termination equipment including switches and routers. Dispensary shall keep doors to any closets located in their Facilities locked and limit key distribution to prevent unauthorized access.
- F. All restricted access areas are to be identified by a sign with the following or equivalent information:

Signs as shown below will be posted in all areas where marijuana is handled or stored. The instructions on these signs will be obeyed by all patients, staff and visitors.

- - - Authorized Personnel Only - - -

NOTICE

Only State Licensed Dispensary Agents or those escorted by State Licensed Dispensary Agents are permitted beyond this point.

Any infraction of this notice will be reported to law enforcement.

In compliance with R9-17-310(A)(7)

1.4 Transportation

All transportation of marijuana will be recorded on the Bill of Lading form. A copy of the form will be left at the point of departure in a binder provided for that purpose. Upon arrival the Bill of Lading will be completed and signed by the consignee and a copy will be maintained at the destination in a binder provided for that purpose. See below for an example of the Bill of Lading form, which is located in the Dispensary forms directory. Actual transportation will be performed by licensed and bonded secure transport company(ies) as needed, but is expected to be handled primarily by the Cultivation company from which marijuana is purchased.

1.5 Panic Button Policy & Procedures

This Panic Button Policy & Procedures Handbook ("Handbook") is designed to summarize the guidelines for use, activation, and deactivation of panic buttons and to acquaint employees with situations appropriate for the implementation of their use. This Handbook applies to all employees, and compliance with the Company's policies is a condition of employment. This Handbook supersedes all previous employment policies, written and oral, express and implied. The Company reserves the right to modify, rescind, delete, or add to the provisions of this Handbook from time to time in its sole and absolute discretion. This Handbook is not a binding contract between the Company and its employees, nor is it intended to alter the at-will employment relationship between the Company and its employees. The Company reserves the right to interpret the policies in this Handbook and to deviate from them when, in its discretion, it determines it is appropriate.

1.5.1 Changes in Policy

Since our business is constantly changing, the Company expressly reserves the right to revise, modify, delete, or add to any and all policies, procedures, or rules stated in this handbook or in any other document. Nothing in this handbook or in any other document creates or is intended to create a promise or representation of continued employment for any employee. Any changes to this policy and procedures, described below, must be in writing and must be signed by the Company.

With respect to all other changes to Company policies, we will notify you of these changes in writing. No oral statements or representations can in any way alter the provisions of this Handbook. Changes will be effective on dates determined by Dispensary and you may not rely on policies that have been superseded.

If you are uncertain about any policy or procedure, please check with your manager or Human Resources.

1.5.2 Terms of Use

By virtue of the Company's stance on employee and patient safety, all employees are implored to use panic buttons whenever deemed appropriate in the protection of human life and Company assets. However, if the activation of security alert systems threatens a life or the lives of patients or employees, employees are advised not to utilize panic buttons and cooperate if at all possible.

1.5.3 Occasions of Use

As the Company cannot foresee all occasions for possible use, it is stringent on the employee's personal risk assessment whether or not to activate panic buttons. If an employee assesses that immanent robbery or bodily harm is likely, they are encouraged to activate the security alert system.

For all other cases not requiring an immediate armed police response, employees are to call local emergency services and/or 911.

1.5.4 Panic Button Monitoring and System Locations

Locations [FOR ILLUSTRATION ONLY – WILL EDITED AS BUILT]

Receptionist Area – Under-Side of Receptionist Desk



Patient Consultation Room – At each Patient Consultant Station



Cashier Room – At each cashier window on the underside of the counter



Safe Room – On the wall near the door



Press and hold any one of the four buttons on the security device remote to activate.

Security Monitoring Key Pad – On the wall near the front door



Press and hold # and * on the keypad to activate.

1.5.5 Panic Button Procedure

Activation

Once an employee has determined that the application of security alert systems are appropriate, the employee may depress the panic button.

Panic buttons must be depressed fully for more than two continuous seconds (example: while holding down the button, count to yourself, “One-one thousand, Two-one thousand.”) in order to activate. Depression lasting fewer than one second or rapid repetitive depression of panic buttons will not trigger the panic button alarm feature.

Once activated, request for immediate armed police response will be sent.

Deactivation

After police response or in the unlikely occasion of accidental activation, facility managers are to do the following:

1. Enter their personal security password on the security key pad and deactivate the silent alarm.
2. Immediately call the local police dispatching office to confirm the accidental activation of the security system.
3. Call the security monitoring service and inform them of the accidental activation. Then confirm with the security monitoring service that police response is not needed.

Only facility managers are to deactivate security monitoring systems.

I.5.6 Reporting

Security Incident Report

The Security Incident Report is to be filled out with as much information as possible and turned in to appropriate management for review. Please see below for a partial example to the form:

[illegible]

The Security Incident Report can be acquired from management upon request, or it can be located in the Dispensary forms directory.

Reporting Parties

All reports must be given to appropriate management immediately after the initial incident.

Contact Information

Below are appropriate contact information for local police dispatching, security monitoring services, and appropriate management contacts:

Peoria Police Department

- Communications (Dispatch) Non-Emergency: (623) 773-8311
- Emergency: 911

On Guard Security www.onguardaz.com

- False Alarm: (480) 752-7148
- Direct: (602) 433-1271

Corporate Reporting Contacts

- TBD
- TBD

I.6 Security Cameras and DVR System

AZDHS requires that all dispensaries install a video camera system capable of retaining 30 days of recorded video for all camera locations (City of Peoria requires 60 days). Cameras are required at every entrance and exit, as well as any place medical marijuana or marijuana infused products will be handled, as well as any place cash is exchanged or payment tendered. Follow the instructions below to export still photos or video segments to an external USB drive.

How to Export Photo and Video from the Security Cameras

- Go into the safe room
- Find the mouse to control the security camera system
- Right-click anywhere on the security camera monitor
- Click SEARCH
- Click the drop-down box next to USER on the LOGIN - SEARCH window
- Select the proper USER (TBD)
- Click the arrow next to the PASSWORD box to reveal the keyboard
- Enter the correct PASSWORD (TBD) then press ENTER
- Click OK on the LOGIN - SEARCH window
- With EZSearch selected, click NEXT >
- Select the desired date and click NEXT >
- Choose the desired CHANNEL from CH 1 through CH 16 (See Attachment #1)
- Click PLAY
- Double-click on the desired hour block (time-stamps are in 24:00:00 format)
- Double-click on the desired minute block (blocks are in 00:02:30 intervals)
- Hover over each blue control button to see its function
- Use the controls at the bottom of the screen to locate the desired time-stamp
- Insert a USB flash drive into one of the front 2 USB ports

To Export a Still Image

- Click the second blue button from the right, EXPORT
- With STILL IMAGE selected, click NEXT >
- With USB DRIVE selected, click START
- Once the progress bar has reached 100% and is COMPLETE, click CLOSE

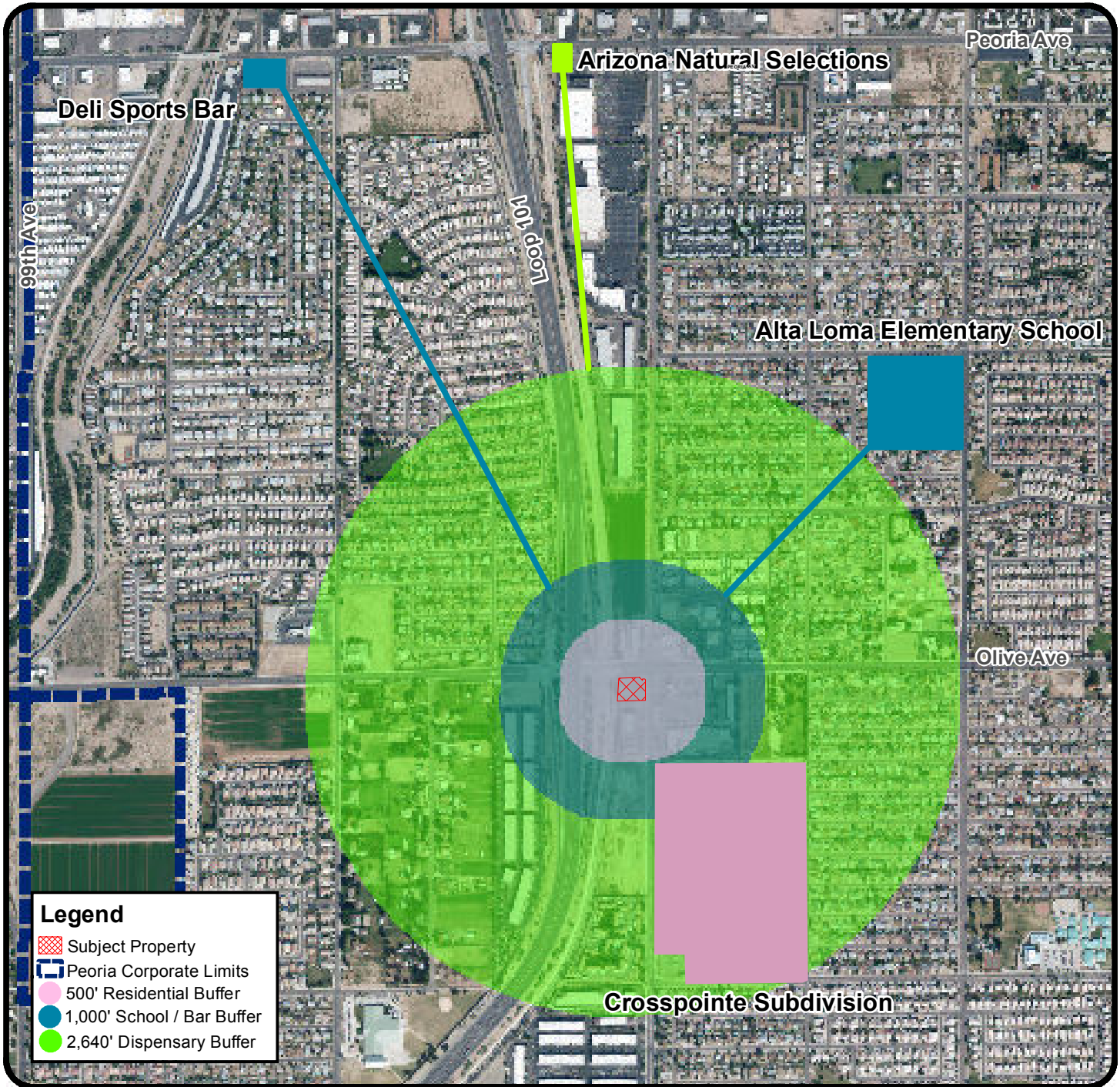
To Export a Video

- Use the controls at the bottom of the screen to locate the desired start point
- Click the second blue button from the right, EXPORT
- Select AVI - SEPARATED SUBTITLE, MAC COMPATIBLE and click NEXT >
- Ensure that USB DRIVE is selected and click NEXT >
- Ensure the START TIME is correct
- Select the desired DURATION by making a selection from the drop down bar
- Click START
- Once the progress bar has reached 100% and is COMPLETE, click CLOSE
- Remove the USB flash drive
- To exit playback, click the blue X button on the far right, CLOSE
- After ensuring you are done, click CLOSE

Rec Rm CH 1	Pmt Area CH 2	Wait Rm CH 3	Cashier Rm CH 4
Cashier 1 CH 5	Cashier 2 CH 6	Cashier 3 CH 7	Assembly CH 8
Safe Rm CH 9	Rear Exit CH 10	Nug 1 CH 11	Nug 2 CH 12
Entrance CH 13	Exterior N CH 14	Park Lot CH 15	Back Foyer CH 16

Attachment #1 - Bloom Phoenix Camera Monitor Layout

CU16-0009 Distance Separation Map



CU16-0009 Medical Marijuana Dispensary

Applicant: Edward Judice

Request: The applicant is requesting a Conditional Use Permit for a medical marijuana dispensary.

Location: The southwest corner of 91st Avenue and Olive Avenue.

Exhibit K



Not to Scale

Business's within 1,000 feet of 8920 N. 91st Ave, Peoria, AZ 85345

Business	Address	Suite #	City	State	Zip Code
Service King Collision Repair	8800 N 91st Ave		Peoria	AZ	85345
Westgate Pharmacy	8914 N 91st Ave	100C	Peoria	AZ	85345
Desert Vista Surgery Center	8914 N 91st Ave	100	Peoria	AZ	85345
World Buffet	8914 N 91st Ave	130	Peoria	AZ	85345
Peoria Medical Center	8914 N 91st Ave	100	Peoria	AZ	85345
Peoria Dental Center	8914 N 91st Ave		Peoria	AZ	85345
Melody Wireless Infrastructure	8950 N 91st Ave		Peoria	AZ	85345
El Tri	8987 W Olive Ave	134	Peoria	AZ	85345
Subway	8987 W Olive Ave	132	Peoria	AZ	85345
Papa Johns Pizza	8987 W Olive Ave	131	Peoria	AZ	85345
Cricket Wireless	8987 W Olive Ave	128	Peoria	AZ	85345
Best China	8987 W Olive Ave	126	Peoria	AZ	85345
GNC	8987 W Olive Ave	125	Peoria	AZ	85345
Desert View Dental	8987 W Olive Ave	120	Peoria	AZ	85345
Tanja's Natural Magick	8987 W Olive Ave	119	Peoria	AZ	85345
At Your Service Notary	8987 W Olive Ave	117-129	Peoria	AZ	85345
Smokers Village	8987 W Olive Ave	118	Peoria	AZ	85345
Pack Mail & More	8987 W Olive Ave	117	Peoria	AZ	85345
Dolce Yogurt	8995 W Olive Ave	115	Peoria	AZ	85345
Angel Nails by Ann	8995 W Olive Ave	114	Peoria	AZ	85345
Metro PCS Authorized Dealer	8995 W Olive Ave	113	Peoria	AZ	85345
South Peoria Baptist Church	9000 W Olive Ave		Peoria	AZ	85345
QuickTrip	9020 N 91st Ave		Peoria	AZ	85345
KFC	9039 W Olive Ave		Peoria	AZ	85345
Fry's	9043 W Olive Ave		Peoria	AZ	85345
Fry's Pharmacy	9043 W Olive Ave		Peoria	AZ	85345
CoinStar	9043 W Olive Ave		Peoria	AZ	85345
JP Morgan Chase	9043 W Olive Ave		Peoria	AZ	85345
Jack in the Box	9066 W Olive Ave		Peoria	AZ	85345
West Olive Animal Hospital	9069 W Olive Ave	101	Peoria	AZ	85345
Nationwide Vision	9069 W Olive Ave	112	Peoria	AZ	85345
RS Pawn	9069 W Olive Ave	109	Peoria	AZ	85345
Crossroads Books & Coffee (Christian Bookstore)	9069 W Olive Ave	105	Peoria	AZ	85345
Allstate	9069 W Olive Ave	104	Peoria	AZ	85345
Cost Cutters	9069 W Olive Ave	111	Peoria	AZ	85345
Buttons & Bows Pet Salon	9069 W Olive Ave	102	Peoria	AZ	85345
Mcdonalds	9071 W Olive Ave		Peoria	AZ	85345
Chevron	9080 W Olive Ave		Peoria	AZ	85345
Jiffy Lube	9113 N 91st Ave		Peoria	AZ	85345
Winery 101	9299 W Olive Ave	101	Peoria	AZ	85345
Ticket Hippie	9299 W Olive Ave	102	Peoria	AZ	85345
Quick Dispense	9299 W Olive Ave	105	Peoria	AZ	85345
Envision Security Inc.	9299 W Olive Ave	107	Peoria	AZ	85345
Custom Air Design	9299 W Olive Ave	108	Peoria	AZ	85345
Southwest Bond Services	9299 W Olive Ave	109	Peoria	AZ	85345
FILANC	9299 W Olive Ave	110	Peoria	AZ	85345
TLV	9299 W Olive Ave	111	Peoria	AZ	85345
Valley Environmental Resources Inc.	9299 W Olive Ave	112	Peoria	AZ	85345
AZ West Valley Fund Services	9299 W Olive Ave	113	Peoria	AZ	85345
Synergetic Systems	9299 W Olive Ave	301	Peoria	AZ	85345
Empty	9299 W Olive Ave	406	Peoria	AZ	85345
Civiltec Engineering Inc.	9299 W Olive Ave	405	Peoria	AZ	85345
Arts. Arts. Arts	9299 W Olive Ave	404	Peoria	AZ	85345
Empty	9299 W Olive Ave	403	Peoria	AZ	85345
Original Rufnek	9299 W Olive Ave	402	Peoria	AZ	85345
International Minute Press	9299 W Olive Ave	401	Peoria	AZ	85345
Tri-Star Visual Communication	9299 W Olive Ave	202	Peoria	AZ	85345
Naturolif Beautiful	9299 W Olive Ave	201	Peoria	AZ	85345
Envision Security Inc.	9299 W Olive Ave	213	Peoria	AZ	85345
State Farm - Barry Swartz	9299 W Olive Ave	212	Peoria	AZ	85345
Vargas General Engineering, LLC	9299 W Olive Ave	211	Peoria	AZ	85345
Onix Sports Inc.	9299 W Olive Ave	210	Peoria	AZ	85345
Empty	9299 W Olive Ave	209	Peoria	AZ	85345
Empty	9299 W Olive Ave	208	Peoria	AZ	85345
Plumbing Masters	9299 W Olive Ave	207	Peoria	AZ	85345
All About Catering Co.	9299 W Olive Ave	203	Peoria	AZ	85345
Penny Royal Productions	9299 W Olive Ave	204	Peoria	AZ	85345

From: [james hayes](#)
To: [Jennifer Fostino](#)
Cc: [REDACTED]
Subject: marijuana dispensary at 91st and Olive
Date: Monday, June 20, 2016 12:20:04 PM

Hello Ms Fostino

Thank you for alerting us to the possibility of a Marijuana Dispensary in our neighborhood.

We would like to register a formal concern with you and ask that a permit not be granted to this business.

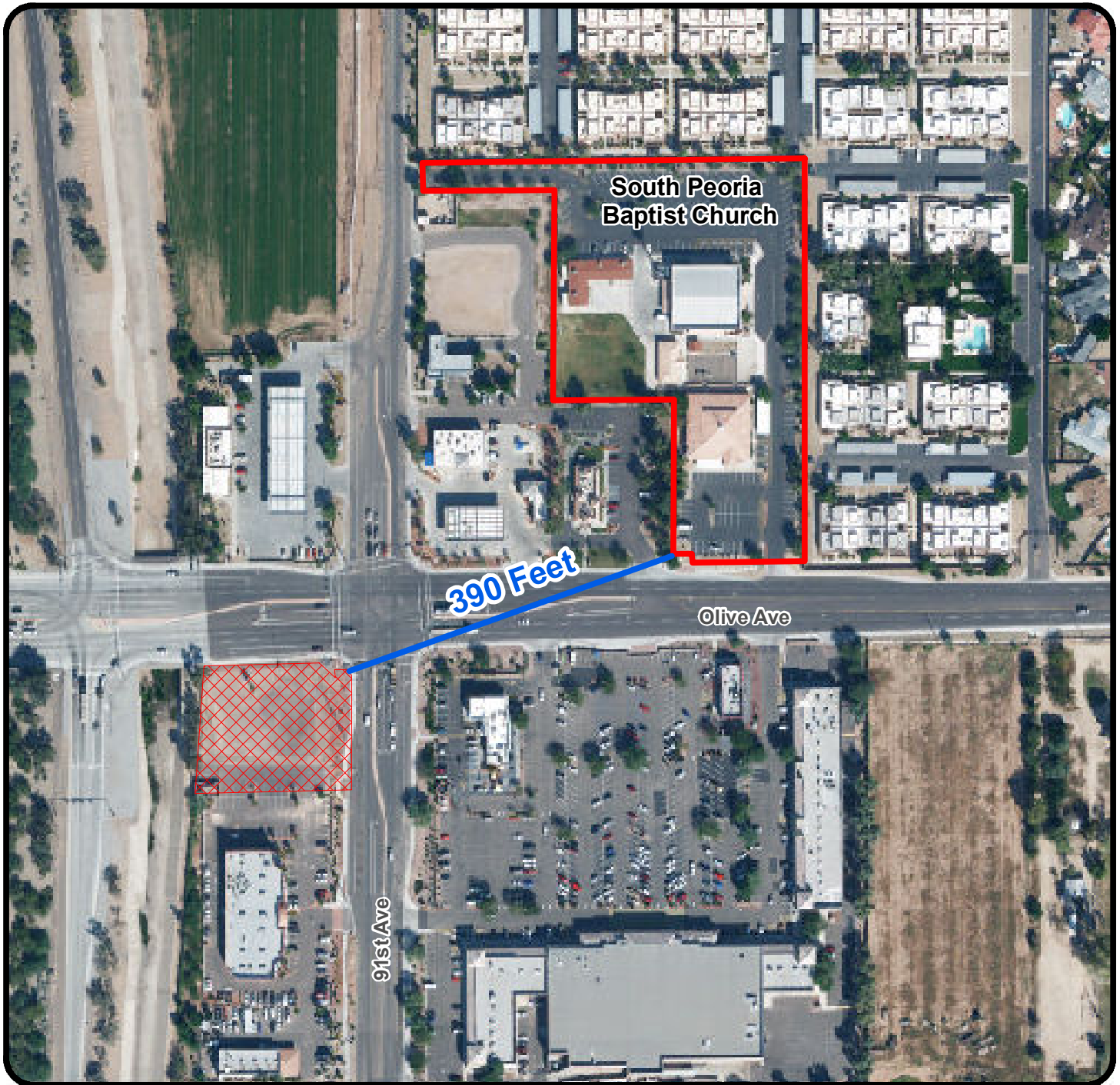
We deal with the effects of drugs and alcohol often through our church and see the consequences in the lives of young people and families. Although this is a Medical Dispensary we are opposed to Marijuana use as we see it as a 'pathway' drug.

Thank you so much for your help, please contact us for any further information.

James Hayes

James Hayes
South Peoria Baptist Church
9000 W. Olive
Peoria Az. 85345
623-486-1556
www.spbch.org

CU16-0009 South Peoria Baptist Church Separation



CU16-0009 Medical Marijuana Dispensary

Applicant: Edward Judice

Request: The applicant is requesting a Conditional Use Permit for a medical marijuana dispensary.

Location: The southwest corner of 91st Avenue and Olive Avenue.

Exhibit N



Not to Scale

From: Jennifer [REDACTED]
To: Jennifer [REDACTED]
Cc: Jennifer [REDACTED]; Angelica [REDACTED] Ryan [REDACTED]
Subject: CU16-0009; Outreach Efforts
Date: Wednesday, August 03, 2016 1:31:40 PM
Attachments: RE Follow up: Meeting Request for Pastor Jeremiah [REDACTED]

Hi Jennifer,

Here is an update of our outreach efforts (to no avail) with South Peoria Baptist Church for the case file. Attached please find the emails referenced below. Thanks!

6/21 left voicemail for Pastor Hayes re: meeting to discuss concerns
 6/21 email to Pastor Hayes re: meeting
 6/22 spoke to Terry in church office re: Pastor Hayes in [REDACTED]
 6/27 left voicemail for Pastor Hayes re: meeting
 7/7 email to Pastor Hayes re: meeting
 7/13 mailed Open House invitation to church
 7/27 left voicemail for Pastor Jeremiah Hayes re: meeting
 7/29 email to Pastor Jeremiah re: meeting
 8/3 stopped by church office and spoke to Terry; Pastor out of town

Jennifer [REDACTED]
 [REDACTED]



7144 E Stetson Drive, Suite 300
 Scottsdale, Arizona 85251
 Direct: 480.505.3938
 Cell: 602.369.0810

roselawgroup.com
roselawgroupreporter.com
social.roselawgroup.com

RLG is Service

Winner "Best place to work in Arizona"

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Think green, please don't print unnecessarily

From: [REDACTED]
To: [Jennifer](#) [REDACTED]
Cc: [Christina](#) [REDACTED]
Subject: RE: CU 16-0009 Medical Dispensary location
Date: Monday, July 25, 2016 1:54:17 PM
Attachments: [mariane.docx](#)

Ms.Hhall and Ms. Fostino,

Good Afternoon. I am attaching a statement re the above project. I am sorry but I have sincere misgivings and they are noted in my attachement. We are a planned community located at 8940 W. Olive Avenue in downtown Peoria. Our main entrance is directly across the street from the Old Peoria swim club and our back entrance is located at 91 Avenue and Sunnyslope

Dr.. On the north we are next to the South Peoria Baptist Church.

Please feel free to email or call me. I had planned on attending the open house but duty to my Board precludes me from attending.

Thank you,

Frances E. [REDACTED]

Statement AGAINST Dispensary @ 91 & Olive Avenue

1. Westgreen Townhomes and Westgreen Townhomes Condos, total 182 Homeowners who pay property taxes to city, county and state.
2. New housing development directly behind fry's 100-200 homes purchased between 2-4 hundred thousand.
3. Proposed housing development directly across from Westgreen Townhomes main entrance within Old Peoria swim club grounds. This development I believe has 40 proposed unit
4. So around total about 400 families that pay City, County, and State taxes. All with children in residence.

I do not believe the location for this dispensary is a viable one. Location wise, YES it is in a commercial zoned area, The City of course will give an incentive to the owner/builders in the way of a tax break for developing vacant lot, HOWEVER, see above there are residential homes very close by. An alternate location for this dispensary would be within the existing Olive Business Park directly North of the Loop 101 where there are existing businesses already OR on Olive or Peoria Avenue between 67 and 83 Avenues where there are NUMEROUS, VACANT strip malls and shops.

I have resided within Westgreen Townhomes for 20 years. We are a small townhome community. We are gated for privacy. In the 20 years I have lived here there has NEVER been an issue requiring a heavy police presence and I do not want that to change. The patients who will eventually be purchasing the product, yes have a legal card. However, there is more of an opportunity for undesirable individuals to congregate in, around and near the facility for the purpose committing illegal activities.

There are young school age children residing within our walls, again they should not be exposed to an element that could cause them harm.

Traffic has always been an issue but I am sorry, the location of this dispensary will cause a traffic flow issue. Many times trying to Enter the Fry's parking lot from the 91 Avenue side I wait 2 to 3 minutes before turning in. Traffic from the "The World Buffet" has a difficult time leaving the premises. A neighbor has already been involved in an accident with an individual leaving the "World Buffet" and the person was not paying attention. Personally I do not care that traffic flow will be directed in a proper manner, from what I see on a daily basis, the police department would constantly be monitoring that corner.

I am sorry, but I really feel this location is not the right place for the dispensary. I CAN NOT attend the meeting as I have a commitment with my Homeowner's Association of which I am President that precludes me from attending. I can be reached at [REDACTED]

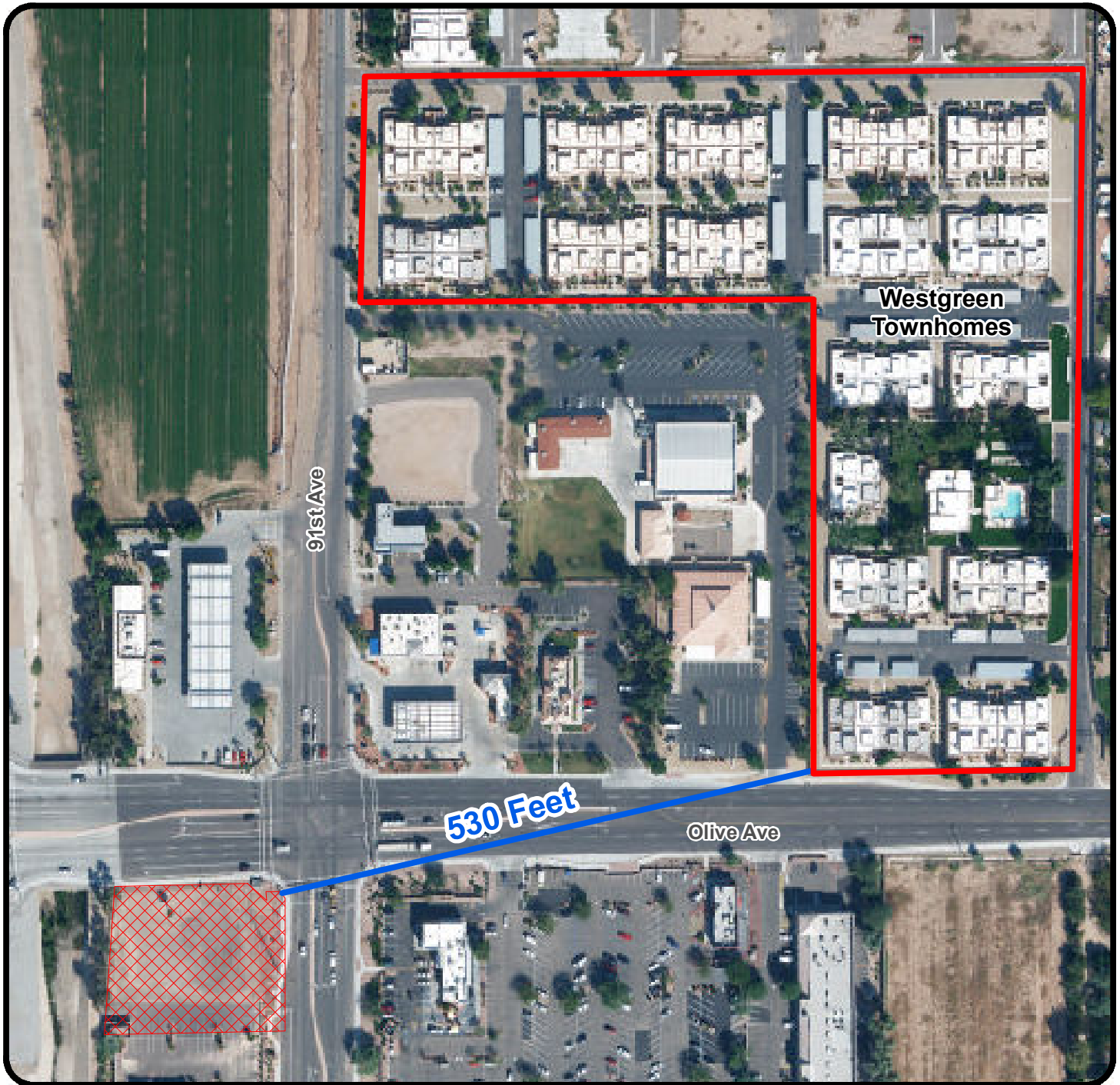
Respectfully submitted,

Frances E. [REDACTED]

President

Westgreen Townhouses Association

CU16-0009 Westgreen Townhomes Separation



CU16-0009 Medical Marijuana Dispensary

Applicant: Edward Judice

Request: The applicant is requesting a Conditional Use Permit for a medical marijuana dispensary.

Location: The southwest corner of 91st Avenue and Olive Avenue.

Exhibit Q



Not to Scale

From: [REDACTED]
To: [Jennifer](#) [REDACTED]
Subject: RE: Requested email re CU 16-009
Date: Friday, August 12, 2016 10:16:57 AM
Attachments: [cuyes.docx](#)

To Whom It May Concern,

I the below signed party am hereby removing my objection to a CU permit # CU 16-0009. Upon discussing my concerns and actually viewing a video of an operating pharmacy here in the valley I am assured that the customer, employees and parties near the pharmacy will be safe.

Thank You,

France E. 

Open House Meeting

SUMMARY

JULY 26, 2016 6:00 PMNORTHERN RE HOLDINGS,
LLCCUP APPLICATION
(CU16-0009)

MEETING CALLED BY	Northern RE Holdings, LLC
TYPE OF MEETING	Open House to discuss the proposed Conditional Use Permit request to allow the operation of a medical marijuana dispensary at 8970 N. 91 st Avenue.
LOCATION	Peoria Public Library (Willow Room) 8463 W. Monroe Street Peoria, AZ 85345
NOTE TAKER	Jennifer Hall, RLG
ATTENDEES	<u>Project Team:</u> Ryan Hurley – Rose Law Group (attorney) Tom Galvin – Rose Law Group (attorney) Jennifer Hall – Rose Law Group Edward Judice – Applicant Ed Vartughian - Applicant Stephanie Pereyra – Applicant

SUMMARY	There were only 4 other attendees: Councilman Leone and his staffer Anthony Alejandro, Jennifer Fostino who is the Peoria City Planner assigned to this case and An Nguyen who was passing by the room and decided to stop in to listen to the presentation. At 6:15PM Ryan Hurley welcomed the group and introduced the Applicants as the current operators of the existing Bloom Dispensary. A short video played that showed the existing safe and secure operation of the Bloom Dispensary including checking in patients, verifying valid cards, educating patients on the illness specific strains, showing the secure purchase and delivery of the medicine in pre-sealed packages. Applicant, Edward Judice, spoke after the video. He explained how he became involved in medicinal marijuana program and had a power point presentation that discussed the process in great detail. At the end of the presentation Edward invited questions from the audience. There were no questions after the presentation.
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NORTHERN RE HOLDINGS, LLC | Open House Sign-in Sheet
CUP APPLICATION FOR MEDICAL MARIJUANA DISPENSARY AT 8970 N. 91ST AVENUE
Tuesday, July 26, 2016, 6:00PM

	Name	Address	Email	Phone
1.	An Nguyen	[REDACTED]	[REDACTED]	[REDACTED]
2.	Anthony Alejandro	8401 W. Monroe St Peoria, IL	anthony-alejandro@peoria.il.gov	623-773-7538
3.	Jennifer Fostino	Dev Svs	jennifer.fostino@peoria.il.gov	623-773-7565
4.				
5.				
6.				
7.				
8.				
9.				
10.				
11.				
12.				



PLANNING AND ZONING COMMISSION REPORT

Meeting September 29, 2016

Date:

Agenda Item: 9

Case Name: Election of Vice-Chair

Case

Number(s):

General Application Information

ATTACHMENTS:

Description

Memo to P&Z



City of Peoria

PLANNING AND COMMUNITY DEVELOPMENT

9875 North 85th Avenue
Peoria, Arizona 85345

T 623.773.7200

F 623.773-7233

planning@peoriaaz.gov

Memorandum

MEETING DATE: September 29, 2016

TO: Planning & Zoning Commission

FROM: Melissa Sigmund, Principal Planner

RE: Election of Vice-Chair

BACKGROUND

As required by the Planning and Zoning Commission *Rules for Procedure*, on an annual basis, the Planning and Zoning commission must elect from among the commission's appointed members a Chair, Vice-Chair and secretary to serve for the upcoming year. In a case where a vacancy in these positions occurs, the commission shall elect a member to fill the position for the remainder of the term.

Following Commission Member Leonard Spraker's resignation, the position of Vice-Chair has become vacant and must be filled for the remainder of 2016 through election.

DISCUSSION

The following table lists the members who have served as officers over the past several years:

YEAR	CHAIR	VICE-CHAIR	SECRETARY
2016	Leigh Strickman	Leonard Spraker	Shawn Hutchinson
2015	Leigh Strickman	Leonard Spraker	Shawn Hutchinson
2014	Nancy Golden	Leigh Strickman	Leonard Spraker
2013	Nancy Golden	Leigh Strickman	Leonard Spraker
2012	Bill Louis	Nancy Golden	Leigh Strickman

Members currently eligible to be elected as Vice-Chairman:

- Jeff Nelson
- Jay Otlewski
- Bryan Patterson

Prepared by: Melissa Sigmund, AICP, LEED Green Associate
Principal Planner